

Agenda

Environment and Sustainability Scrutiny Committee

Date: **Monday 18 November 2024**

Time: **10.00 am**

Place: **Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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Agenda for the meeting of the Environment and Sustainability Scrutiny Committee

Membership

Chairperson **Councillor Louis Stark**
Vice-chairperson **Councillor Justine Peberdy**

Councillor Dave Davies
Councillor Helen Heathfield
Councillor Robert Highfield
Councillor Rob Owens
Councillor Richard Thomas

Agenda

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1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To receive the minutes of the meeting held on 23 September 2024.</p>	9 - 18
<p>HOW TO SUBMIT QUESTIONS</p> <p>The deadline for the submission of questions for this meeting is 5pm on Tuesday 12 November 2024.</p> <p>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</p> <p>Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at www.herefordshire.gov.uk/getinvolved</p>		
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p>	
6.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council.</p>	
7.	<p>TREE AND HEDGEROW MANAGEMENT</p> <p>To provide an update on tree and hedgerow management to the Environment and Sustainability Scrutiny committee.</p>	19 - 76
8.	<p>WORK PROGRAMME</p> <p>To consider the work programme for Herefordshire Council's Environment and Sustainability Scrutiny Committee for the municipal year 2024/25.</p>	77 - 96
9.	<p>DATE OF THE NEXT MEETING</p> <p>Monday 20 January 2025, 10:00am</p>	

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The location of the office and details of city bus services can be viewed at:
www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services-

The seven principles of public life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

**Minutes of the meeting of Environment and Sustainability
Scrutiny Committee held at Conference Room 1 - Herefordshire
Council, Plough Lane Offices, Hereford, HR4 0LE on Monday 23
September 2024 at 10.00 am**

Present: Councillor Louis Stark (chairperson)
Councillor Justine Peberdy (vice-chairperson)

Councillors: Dave Davies, Robert Highfield and Richard Thomas

In attendance: Councillor Phillip Price (Cabinet Member Transport and Infrastructure)

Officers: Ben Boswell (Head of Environment Climate Emergency and Waste Services), Ed Bradford (Head of Highways and Traffic – Remote Attendee) Simon Cann (Committee Clerk), Joelle Higgins (Governance Support Assistant), David Land (Head of Transport and Access Services), Richard Vaughan (Sustainability and Climate Change Manager – Remote Attendee), Danial Webb (Statutory Scrutiny Officer).

93. APOLOGIES FOR ABSENCE

There had been no apologies for absence.

94. NAMED SUBSTITUTES

There had been no named substitutes.

95. DECLARATIONS OF INTEREST

No declarations of interest were made.

96. MINUTES

The minutes of the previous meeting were received.

Resolved:

That the minutes of the meeting held on Monday 22 July 2024 be confirmed as a correct record and be signed by the Chairperson.

97. QUESTIONS FROM MEMBERS OF THE PUBLIC

A document containing questions received from members of the public and the responses given was attached as a supplement to the published agenda for the meeting on the Herefordshire Council website.

A record of supplementary questions asked during the meeting, and the responses given, is included in Appendix 1 to the minutes.

98. QUESTIONS FROM MEMBERS OF THE COUNCIL

No questions had been received from councillors.

99. ACTIVE TRAVEL MEASURES

The committee received the report on 'Active Travel Measures.

The Chairperson provided a broad outline of the four objectives of the item which were:

- To consider active travel measures including road safety for all users.
- Explore the county policy on implementing active travel measures where new road build is being proposed.
- Explore where the council is on implementation of active travel measures across the county.
- Explore the benefits and challenges of active travel measures around key buildings such as schools and hospitals and residential roads in Herefordshire.

The principal points of the discussion included:

1. The committee discussed the work that had been carried out in Denmark since the end of World War II to integrate active travel with other transport measures. It was acknowledged that Denmark had thrown significant time and resources at getting its transport infrastructure to where it currently was and that implementing workable active travel measures in Herefordshire, in an affordable manner, presented numerous challenges.
2. The committee noted the need for active travel measures to provide an alternative, but complementary means of moving around the county, that would sit alongside existing means of transport rather than replacing them.
3. A committee member suggested that incorporating active travel measures and including a solar farm within the Council's bypass project plans might garner more support for the bypass from the current government.
4. The committee raised concerns about active travel feeling quite 'distant' as a concept. It regularly seemed to feature as a component of other policies, but was not clearly synthesised anywhere in the council's plans.
5. The committee referred to paragraph 5 of the main report and noted the four main objectives for active travel:
 - Increase the percentage of short journeys in towns and cities that are walked or cycled
 - Increase people's annual walking activity
 - Double rates of cycling
 - Increase the percentage of children aged 5 to 10 who usually walk to school

as given by the Department for Transport, were not being discussed in any detail within the council.

6. The committee noted that there was a need to establish whether the purpose of active travel was to provide health benefits to the public or to provide an alternative means of getting people from A to B - the latter of which could be adversely impacted by poor weather.

7. A committee member suggested active travel could provide both an alternative means of travel and health benefits, and also highlighted the importance of active travel measures as a useful tool for reducing traffic congestion.
8. A committee member stressed the importance of keeping active travel measures and 20mph speed limits as separate issues.
9. The committee enquired as to whether any separate/dedicated paper or policy was going to be put to council outlining what the administration wanted to achieve in terms of aims and objectives for active travel.
 - The Cabinet Member Transport and Infrastructure pointed out that active travel was a very large topic with a considerable amount of debate around it.
 - The Cabinet Member Transport and Infrastructure expressed bemusement for historic Hereford bypass plans that had seen active travel measures routes running alongside A-roads. The cabinet member expressed a preference for active travel measure routes that ran separately from existing infrastructure, which would potentially remove safety and pollution risks for walkers, cyclists and other users.
 - The Cabinet Member Transport and Infrastructure suggested that the Department for Transport's objective of increasing the percentage of children aged 5-10 who usually walk to school was, as had been discussed earlier in the debate, hostage to the weather.
 - The Cabinet Member Transport and Infrastructure suggested that active travel as a means of solving congestion had to be integrated with other congestion-easing design measures focusing on where cars and buses could and couldn't go and that how to best go about bringing this together was a topic for consultation with residents and other stakeholders.
 - The Cabinet Member Transport and Infrastructure suggested that with regards to 20mph zones, it could be that in the next 10-15 years technological advances would mean that speed reductions were implemented and controlled by vehicles rather than drivers. It was suggested this might remove the potential danger of drivers paying more attention to their speedometer rather than the road ahead.
10. The committee asked again whether it would be helpful to have a dedicated active travel measures document setting out council objectives, rather than the topic being included as a complement to other plans.
 - The Head of Environment Climate Emergency and Waste explained that active travel measures cut across various high level strategy elements within the Corporate Plan including growth and safety, and the environment. Below that, it featured within the Core Strategy and Local Transport Plan, and LCWIP (Local Cycling and Walking Infrastructure Plan).
 - The Head of Environment Climate Emergency and Waste suggested that the articulation of the active travel measures in the wider documents would potentially sit within the Local Transport Plan.
 - The Head of Transport and Access Services echoed that the Local Transport Plan should be able to articulate where active travel was and

what the council wanted to achieve from it, and added that the LCWIP would be able to demonstrate what was going to be done to support the plans.

11. The committee pointed out that active travel measures were about more than just transport and also impacted areas such as: public health, pollution and behavioural change. It was suggested that to restrict the subject to just the Local Transport Plan and LCWIP would potentially lose the richness of it and it shouldn't be viewed as an afterthought to be added to existing transport plans and documents.
12. The committee considered whether a single active travel measure policy could apply equally to all parts of the county and concluded that it probably couldn't, but that not having a separate policy on the subject might potentially stymie debate on it.
13. A committee member stated that they felt active travel should enrich the lives of everybody including; pedestrians, cyclists, public transport users and motorists. It was suggested that consideration could be given to introducing dedicated bus lanes, which could also be used by cyclists, motorcyclists and taxis to reduce traffic congestion within the City of Hereford.
14. The committee acknowledged the potential benefits of dual/multi user lanes, but pointed out that such routes and paths would require pedestrians, cyclists and other groups to be educated and given certainty about the safe use of them.
 - The Head of Transport and Access Services described guidance from the DFT (Department for Transport) contained within Local Transport Note 1/20 Cycle Infrastructure design, which was about the DFT's preference for segregating cyclists from pedestrians wherever possible.
 - The Head of Environment Climate Emergency and Waste Services reassured the committee that through the strategic hooks of the Corporate Plan the council did look at active transport in a joined-up way, bringing together officers and departments from areas including: environment, climate, transport, road safety and public health.
15. A committee member suggested that the council should never be considering new road builds without active travel siting alongside it.
16. The committee debated whether or not active travel measures were adequately covered off as set out within the Local Transport Plan or whether active travel measures should sit as a standalone high-level policy.
 - The Cabinet Member Transport and Infrastructure highlighted the issues presented by the rurality of Herefordshire as a county, and the challenges of dealing with cars journeys that needed to be made into the centre of Hereford and those that did not.
 - The Cabinet Member Transport and Infrastructure suggested that dedicated bus routes/lanes could not be implemented within the city without removing every piece of traffic that had no right to be there and that the introduction of such lanes would only be potentially feasible were a bypass to be built.
 - The Cabinet Member Transport and Infrastructure highlighted the significant amount of cycling and quiet routes due to be delivered in the

south of Hereford, across the river and into the city centre within the next 12 months.

- The Cabinet Member Transport and Infrastructure urged the committee to be mindful of how a recommendation around one element of the county's transport infrastructure would inevitably have an impact elsewhere.

17. The Committee raised concerns about the perceived focus of policy on Hereford rather than Herefordshire and articulated that active transport measures should not solely be about transport, but should be about a way of life and a joined up approach around planning, which included the needs of pedestrians and different modes of transport.

- The Head of Environment Climate Emergency and Waste Services pointed out that active travel was already a golden thread that ran through many of the council's policies and strategies, and that it would be possible to provide the committee with an organogram illustrating this.
- The Head of Environment Climate Emergency and Waste Services explained that creating multimodal transport choices and educating people across the county about them, could draw from policies/strategies such as the: 'Choose how you move' behavioural change campaign, Bus Improvement Strategy and Local Cycling and Walking Infrastructure Plan.

18. The committee enquired if there was a list or map of all the active travel schemes that were going on within Herefordshire presently.

- The Head of Environment Climate Emergency and Waste Services pointed out that the LCWIP (Local Cycling and Walking Infrastructure Plan) essentially fulfilled this function. Around the LCWIP were a set of behavioural change campaigns, which included dedicated officers working with schools and businesses on developing their own travel plans. Work was also being carried out with Bikeability, along with aligning road safety schemes, which would all be brought together within the Local Transport Plan.

19. The committee felt that there might not be an equal measure of focus on active travel measures across the county.

20. The committee enquired whether there was a need to rebalance the funding that was going into active travel away from Hereford and into market towns/rural areas.

- The Head of Environment Climate Emergency and Waste Services pointed out that the LCWIP was focused across the whole county and was taking an areas-based approach with schools and businesses across Herefordshire to help them look at their options and make informed travel choices, which would enable them to get the best out of the network.

21. The committee enquired as to where pedestrianisation was being addressed within the County Plan?

- The Head of Environment Climate Emergency and Waste Services suggested that this would likely fall within the Core Strategy in terms of the overarching place document and strategy for the county. Information

relating to the city would be contained within the Economic Master Plan and Big Economic Plan.

22. The committee debated the potential impact of pedestrianisation on local and independent businesses and raised concerns about individuals being able to transport large purchases back with them if they couldn't park near or in town/city centres.
- The Head of Environment Climate Emergency and Waste Services suggested that certain transport studies had indicated that walkers and cyclists often spent more time and money in pedestrianised shopping centres.
 - The Head of Transport and Access Services pointed to the Mini-Hollands programme in London, where shop keepers had often seen profits soar as a result of a Dutch-style infrastructure being introduced within their boroughs.
23. A committee member stressed the potential benefits of introducing a park and ride scheme within Hereford City and pointed to Cheltenham as an example of how this had been successfully implemented in a nearby city.
24. A committee member pointed out concerns around public engagement with the Beryl Bikes scheme and its suitability for an ageing population.
- The Head of Environment Climate Emergency and Waste Services detailed Herefordshire's 'Park and Choose' Strategy, which enabled people to park for free at out of town/city sites and then choose from a variety of different transport modes to enter the city, whether it be walking, cycling (using Beryl Bikes and e-Bikes), car sharing or public transport. This was a county-wide strategy that had used active travel funding money obtained from the Department for Transport and was not just focused on the city centre of Hereford.
 - The Sustainability and Climate Change Manager pointed out that there were 300 Beryl Bikes available across 70 bays around the city and that in the last week around 2,700 journeys had been made using Beryl Bikes. The scheme was proving to be popular and successful across a broad demographic.
 - The number of e-bikes available through the scheme had risen from 30 to over 100. These had enabled people who were less physically able or confident in using a pedal bike to use and benefit from the scheme.
 - The Sustainability and Climate Change Manager explained that leisure trips using Beryl Bikes did drop during periods of adverse weather, but the core user base continued to make essential trips on them even in stormy conditions.
25. The committee raised concerns about the safe use of e-scooters within the county and whether there was any policy in place to offer guidance on what part they could play in an active travel strategy.
- The Head of Transport and Access Services explained that currently e-scooters were not a legal mode of transport in England and therefore there was no council policy for them, but they could be easily obtained by the public and policing their use was an ongoing challenge.

- A number of local authorities were involved in pilot schemes trialling the use of e-scooters, but even then they could only be used on roads and by people holding an appropriate licence. Herefordshire Council had registered an interest in being involved in the pilot schemes and in future the e-scooters could potentially be introduced in bays alongside Beryl Bikes, however their introduction would need to be backed up with strong communications about their safe use.
 - The Sustainability and Climate Change Manager pointed out that research had shown that the introduction of additional modes of transport into Park and Choose/Beryl Bike schemes had led to people who had initially joined up to use one type of transport gradually beginning to explore and take up other options.
26. The committee raised concerns that road and pavement use was becoming very congested and felt there was a free-for-all that needed to be addressed within a separate active travel measures policy, including the increased use of mobility scooters.
- The Head of Transport and Access Services described the Department of Transport's 'Hierarchy of Road Users' policy, which placed road users most at risk in the event of a collision (such as pedestrians) at the top of the hierarchy.
 - The Sustainability and Climate Change Manager described an historic scheme that had been funded by money from the Department of Transport, which had provided learner drivers with a free driving test if they engaged in cycling workshops – the idea being that it would encourage drivers to give greater consideration to the needs of other road users, such as cyclists and pedestrians. Uptake for the scheme had been quite high with young learner drivers, but lower in groups such as heavy good vehicles drivers. However, it had been hard to quantify the outcomes and impacts of the scheme.
 - The Head of Environment Climate Emergency and Waste Services stated that officers would be keen to focus on bringing in an educational element to future collaborative policies involving transport, road safety and public health.

At the conclusion of the debate, the committee discussed potential recommendations and the following resolutions were agreed.

Resolved that:

- 1. The executive should set out its policy on active travel in one plan, and to ensure its alignment with other relevant Council plans;**
- 2. An inventory and map of on-going or proposed active travel projects should be drawn up by the executive and published;**
- 3. A review should be conducted of active travel projects planned and the executive should come forward with proposals to reduce the overly Hereford focus of current projects and ensure that active travel measures are implemented across the county, including market towns.**

4. **Active travel needs to reflect the demarcation of cycling/pedestrian bus/taxi ways. All future developments need to actively consider all users of the highways and pathways with appropriate consideration to the ability of movement of the population not forgetting those with lower levels of mobility.**
5. **That any business case for new road builds should contain proposals for offsetting the carbon impact of them.**
6. **To consider solar farms being incorporated into any planned new road route.**

100. WORK PROGRAMME

The committee agreed to reschedule the November item 'Bus service improvement plan' to allow additional time for anticipated government proposals around bus services to be released, it was felt that this would allow for a fuller and wider debate on bus services around the county. The item was deferred from November to an unspecified date in 2025.

The committee agreed to schedule the Tree and Hedgerow management item for its November 2024 meeting. A committee member suggested that road ditches policy should also be included as part of the topic.

The committee considered Mr Peter McKay's earlier supplementary question relating to updating records on footpaths and highways. The committee felt that it did not consider it a topic that was appropriate for scrutiny or one that the committee could add value to - as it essentially concerned a local operational matter.

It was suggested by the Statutory Scrutiny Officer that the question would be better dealt with through a service request via customer services.

The committee agreed to redirect Mr McKay's question, as it was too specific for the scrutiny work programme.

The committee agreed to look at 'Road safety and speed limits' in its May 2025 meeting.

The Statutory Scrutiny Officer suggested that an informal work programme discussion be arranged for committee members before the next committee meeting to discuss which items from the longlist should be included in the committee's work schedule.

Resolved:

That the work programme, as amended and subject to periodical reviews, be agreed as the basis of the primary focus for the committee for the remainder of the municipal year 2024/25.

101. DATE OF THE NEXT MEETING

Monday 18 November 2024, 10am

102. APPENDIX 1 - SUPPLEMENTARY QUESTIONS FROM MEMBERS OF THE PUBLIC WITH RESPONSES

Supplementary Questions from members of the public – Environment and Sustainability Scrutiny Committee, 23 September

Question Number	Questioner	Supplementary Question (delivered verbally by Mrs Protherough during the meeting).	Question to
SPQ 1	Ms Carole Protherough Leominster	Have the consulted views of the various stakeholders including: parents students and disabled people who use mobility vehicles - and who may share the two-way cycle lane at some risk on Aylestone Hill - been incorporated into the design. How does a child on a bicycle get from the shared-use footpath, which appears to finish at the entrance of Broadlands Lane to complete their journey safely to arrive at Aylestone and Broadland schools, and how does this destination link to the homes children live in in the local catchment area - the origin of their journey.	Environment and Sustainability Scrutiny Committee
<p>Response by Cabinet Member Transport and Infrastructure (delivered verbally during the meeting).</p> <p>Thank you for the supplementary question I will take what you've just said to the officer who's in charge of the design and the consultation process that is currently coming towards an end and ask them to consider your view, as to whether the design is adequate or needs upgrading. We will aim to give you a written response from the officer who is right at the heart of delivering this scheme. Thank you Mrs Protherough.</p>			

Question Number	Questioner	Supplementary Question (delivered verbally by Mr Hardy during the meeting).	Question to
SPQ 2	Mr Jim Hardy Hereford	According to the council's website, local cycling and walking infrastructure plans were introduced seven years ago and most local authorities now have one in place. Even when this Council finally has one in place it is still giving itself 10 years to implement it, how soon does it plan to have a truly comprehensive cycle network in Hereford and how much government funding does it anticipate receiving towards it.	Environment and Sustainability Scrutiny Committee
<p>Response by Cabinet Member Transport and Infrastructure (delivered verbally during the meeting).</p> <p>Thank you for that question. The LCWIP (Local Cycling and Walking Infrastructure Plan) will be delivered on the schedule that we have published. How that is interpreted going forward will be no different to any other council. We have to have an LCWIP in place to be able to get active travel funding, we still await for a number of changes from the new government coming forward as to what their policies are going to be around this, but we are in no different a place to any other authorities at this moment in time as to what we can and can't deliver, but it is all in the mix, we are looking at it we are proactive in it and we will deliver accordingly. Whether or not active travel and cycling is funded to a greater or lesser degree going forward will depend on what is found in that consultation. It is in the mix at the present moment, I can't answer further than, but you will hear in due course what we find with our LCWIP thank you.</p>			

Question Number	Questioner	Supplementary Question (delivered verbally by Mr Milln during the meeting).	Question to
SPQ 3	City Councillor Jeremy	So your response says this Scrutiny Committee had decided it wont now consider the relationship between vehicle speed and active travel, citing	Environment and Sustainability

	Milln	<p>the additional benefits (such as accident reduction and liveability) for not doing so, when normally these would be the reasons for doing so.</p> <p>It is frankly astonishing this Committee is not currently minded to consider the enormous cost, health and public safety benefits for active travel which accrue from addressing vehicle speeding. More than four years has elapsed since Full Council passed the motion to progress this. I therefore ask again will this Committee seek to bring this work back on track with an appropriate recommendation to support active travel by urgently investigating area wide urban 20mph including around schools and accident blackspots?</p>	Scrutiny Committee
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Response by Chair of the Environment and Sustainability Scrutiny Committee (delivered verbally during the meeting)

The committee hasn't given up on the topic of 20mph speed limits, in fact it is still very interested in looking at it, but it wants to look at it in a different way. We have had discussions on it within the committee and while we haven't taken the specific link between the 20mph speed limit and active travel forward today, what we are minded to do is to look at speed limits generally in the context of road user safety - that's of particular concern to me as a pedestrian, because I do find speeding of real concern when I'm actually walking into Ross or walking out of Ross. So, what the committee has done, it hasn't stopped its investigation of 20mph speed limits, what it wants to do is to look at it in a different context and that will be a candidate for our work programme next year. I can assure you we have not lost sight of it, we are just going to look at it in terms of road safety measures next year. I hope that's that satisfies your concern.

Question Number	Questioner	Supplementary Question (via email)	Question to
SPQ 5	Mr Peter McKay Leominster	If you will not scrutinise the identified issue of concern in isolation, my suggested topic having been accepted by the Government Support Team and passed to your committee for scrutiny, will you scrutinise the upkeep of highway and path records in general, this not having been covered by your earlier scrutiny of public right of way matters, with it reported in Hereford Times in April this year that some applications for corrections are still undecided after 27 years, if you will persue your seeking a change to the legislation to enable a more efficient process to be used, with a Local Cycling and Walking Infrastructure Plan being raised that will require accurate information?	Environment and Sustainability Scrutiny Committee

Response by Chair of Environment and Sustainability Scrutiny Committee

The Chair thanked Mr McKay for his question and gave an assurance that the committee would consider whether or not to incorporate the suggested topic as part of its work programme.



Title of report: Tree and Hedgerow Management

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: Monday 18 November 2024

Report by: Head of Environment, Climate Emergency and Waste Services, Sustainability & Climate Change Manager

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To provide an update on tree and hedgerow management to the Environment and Sustainability Scrutiny committee.

Recommendation(s)

That:

- a) The committee notes the Council's progress to date, and;**
- b) The committee determines any other actions or recommendations it may seek to make.**

Alternative options

1. None identified, this report provides an update to the Environment and Sustainability Scrutiny Committee (ESSC).

Key considerations

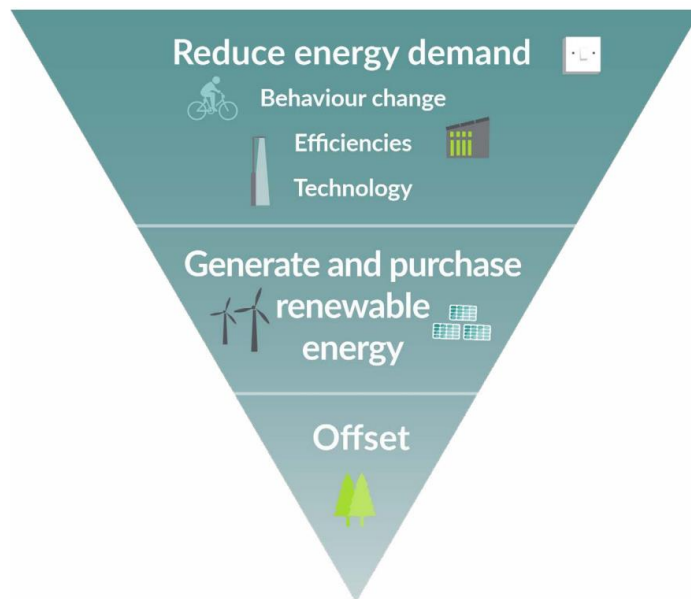
The Management of Hedgerows (England) Regulations 2024

2. On 22nd May 2024 DEFRA published 'The Management of Hedgerows (England) Regulations 2024' which came into force on 23rd May 2024.
3. These new regulations were developed followed a public consultation which ran between June 2023 and September 2023.
4. The full new regulations are included in full as Appendix 1.
5. There are no significant implications for the Council from these new regulations as the majority of the Council's tree and hedgerows are exempt as they are within the public realm or are within third party management through small holding or other leases.
6. DEFRA is currently undertaking a further 'Consultation on the regulatory approach and use of civil sanctions for hedgerow management'.
 - a) <https://consult.defra.gov.uk/legal-standards/consultation-on-hedgerow-regulatory-approach/consultation/subpage.2024-05-07.6245823404/>
7. This further consultation seeks views on the approach to the use of civil and criminal sanctions, considering the range of actions or 'sanctions' available to RPA's to assist them to enforce the Regulations. Here DEFRA notes that criminal sanctions will only be used for the most serious offences.
8. This consultation launched on 29th October 2024, is open until 10th December 2024.

Herefordshire Council - Management of Trees and Hedgerows

9. Herefordshire Council manages a significant stock of trees and hedgerows across both the public realm and wider estate.
10. Following recommendations from the 'Climate and Ecological Emergency Review' by a Task & Finish group of General Scrutiny Committee the Council has reviewed and updated its own approach to tree and hedgerow management.
11. This review was led by the Built & Natural Environment team, takes into account both highways and environmental legislation and was widely consulted and co-developed with all relevant service areas. This included Highways, Open Spaces, Estates and Facilities Management team, in addition to being shared with all of our public partners including BBLP and Hoople to ensure that it is applied consistently.
12. This review was concluded in June 2024 where the Council adopted a new Tree and Hedgerow Code of Practice Herefordshire Council. This code of practice includes consideration of all statutory and regulatory requirements including 'The Management of Hedgerows (England) Regulations 2024' and is included as Appendix 2.
13. The Council is currently developing its fourth Carbon Management Plan (CMP) for the period 2026-2030 which will set out the Council's plan to deliver the final stage of our net zero target. This will be the first CMP to include consideration for offsetting and sequestration of our residual emissions as to date the approach has been to follow the carbon hierarchy as illustrated below.

Figure 1 – Herefordshire Council Carbon Reduction Hierarchy.



14. The Sustainability & Climate Change and Build & Natural Environment teams are currently researching methods for calculating the carbon sequestration from the tree, hedgerow and wetlands across the existing estate for inclusion within the plan and annual reporting.
15. The Council is currently working with the Department for Energy Security and Net Zero (DESNZ) 'Midlands Net Zero HUB in order to identify a nationally accepted methodology for calculating and reporting this.
16. As this is developed the current Tree and Hedgerow Code of Practice Herefordshire Council will be updated to include further consideration of opportunities to improve carbon sequestration.
17. Aligned with this approach, the Council is currently developing the new Local Nature Recovery Mapping and Strategy which will identify key ecological corridors across the county and consulting with property services to identify opportunities to introduce woodland habitat where appropriate.

Herefordshire Tree, Hedgerow and Woodland Strategy

18. Following both recommendations from the 'Climate and Ecological Emergency Review' and the 'Herefordshire Citizens' Climate Assembly' the Council has recently commissioned LUC to develop a 'Herefordshire Tree, Hedgerow and Woodland Strategy, (h-THAWS).
19. The aims of this new countywide strategy are to:
 - a) Deliver an appropriately managed increase in trees and hedgerows
 - b) Ensure the better management of trees, hedgerows, woodlands and orchards across the county
 - c) And to support the development of new projects and funding applications to deliver this.
20. Following the new national guidance and best practice, a key stakeholder workshop was held on 7th November 2024 and a public consultation was also launched on 7th November 2024.
21. Live until 8th December 2024, the Council is actively seeking view stakeholders, external partners and interested parties and the consultation can be accessed via the below link.

- a) [Herefordshire Tree, Hedgerow and Woodland Strategy \(h-THAWS\)](#)
- 22. This strategy is being developed based on the 'Trees and Woodland Strategy Toolkit' produced by the Tree Council in partnership with DEFRA and the Forestry Commission. A link to both the toolkit and summary documents are included below:
 - a) [Tree-Council-Trees-and-Woodland-Strategy-Toolkit-2022.pdf](#)
 - b) [Tree-Council-Trees-and-Woodland-Strategy-Summary-2022.pdf](#)
- 23. A draft strategy and action plan will be developed in January 2025 and the final version will be completed in March 2025.

Ash Die Back

- 24. Herefordshire Council recognises the importance of Ash dieback disease with ash accounting for 17% of all roadside trees and also found in most areas of public open space.
- 25. Recognising the significant risk of Ash dieback disease in Herefordshire the Council has developed and published an Ash Dieback Action Plan for the trees that we own and manage.
- 26. This including trees related to public highways, public rights of way, public open space, commons and council property.
- 27. This plan, included as Appendix 3 has been developed based on the national Ash Dieback Action Plan Toolkit produced by The Tree Council in partnership with DEFRA and also applies local expertise and professional arboricultural expertise to ensure that we can retain ash trees wherever possible
- 28. The national Ash Dieback Action Plan Toolkit is available via the link below:
 - a) [Ash Dieback: Action Plan Toolkit for England and Wales - The Tree Council](#)
- 29. To date the Council has undertaken survey work on A-roads with further surveys underway on both B and C roads.
- 30. The plan also include consideration of regeneration and the planting of diverse replacement species in order to enhance future resilience.

Community impact

- 31. There are no direct community impacts as a result of providing an update to the Environment and Sustainability Scrutiny Committee.
- 32. Overview and scrutiny is a key part of the council's governance arrangements and provides accountability and assurance, as well as a vehicle for elected councillors to contribute to policy development and review. Scrutiny committees have the overall aim of driving improvement to services to the local community.
- 33. As well as scrutinising the council's own services, scrutiny committees have the power to look into the provision of local health services and issues which affect the economic, social or environmental wellbeing of the county. Tree and hedgerow management is an integral part of the Council's asset management and contributes towards improved quality of life for both residents and visitors.

Environmental Impact

34. There are no direct environmental impacts as a result of providing an update to the Environment and Sustainability Scrutiny Committee,
35. The effective management of tree, hedgerows and woodland in Herefordshire is an essential part of the Council's delivery of the Climate & Ecological Emergency declaration and the Council's priority Corporate Plan objective to:
 - a) Place – We will protect and enhance our environment and ensure that Herefordshire remains a great place to live. We will support the right housing in the right place, and do everything we can to improve the health of our rivers.

Equality duty

36. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
37. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

38. There are no resource implications associated with providing this progress update to the Environment and Sustainability Scrutiny Committee.
39. The development of any future projects as a result of recommendations from the Environment and Sustainability Scrutiny Committee will require separate governance which in turn will inform future resources needs.

Legal implications

40. The role of the Council's Scrutiny Committee is set out in Part 2 Article 6 of the Council's Constitution and includes helping to develop policy, carrying out reviews of Council and other local services and holding decision makers account for their actions and decisions.
41. The functions of the Scrutiny Committee include powers to make reports and/or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive and to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area.

Risk management

42. There are no risks associated with providing a progress update to the Environment and Sustainability Scrutiny Committee.
43. If any new projects are instigated as a result of the Act separate governance will be required including their own risk assessments.

Consultees

44. None.

Appendices

- Appendix 1 - The Management of Hedgerows (England) Regulations 2024
- Appendix 2 – Herefordshire Council Tree & Hedgerow Code of Practice
- Appendix 3 – Herefordshire Council, Ash Dieback Action Plan 2024

Background papers

- None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

STATUTORY INSTRUMENTS

2024 No. 680

COUNTRYSIDE

The Management of Hedgerows (England) Regulations 2024

Made - - - - 22nd May 2024

Coming into force - - 23rd May 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 97 of the Environment Act 1995(1) (“the 1995 Act”) and section 62 of the Regulatory Enforcement and Sanctions Act 2008(2) (“the 2008 Act”).

In accordance with section 97(6) of the 1995 Act, the Secretary of State has consulted such bodies referred to within paragraphs (a), (b), (c) and (e) of that section which the Secretary of State considers appropriate.

In accordance with section 60 of the 2008 Act, the Secretary of State has also consulted such organisations as appear to the Secretary of State to be representative of persons substantially affected by this instrument and such other persons as the Secretary of State considers appropriate.

The Secretary of State is satisfied as to the matters referred to in section 66 of the 2008 Act.

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 97(7) of the 1995 Act and section 62(3) of the 2008 Act.

PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Management of Hedgerows (England) Regulations 2024 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales but apply in relation to England only.

(1) 1995 c. 25. Subsection (6A) was inserted by paragraph 12 of Schedule 22 to the Deregulation Act 2015 (c. 20). See the definition of “the appropriate Ministers” in section 97(8). The functions of the Minister of Agriculture, Fisheries and Food which were exercisable jointly with the Secretary of State in respect of England became exercisable by the Secretary of State alone by virtue of S.I. 2002/794.

(2) 2008 c. 13.

Interpretation

2. In these Regulations—

“agriculture” includes—

- (a) horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including horses, ponies and any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land);
- (b) the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds;
- (c) the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes,

and “agricultural” is to be construed accordingly;

“agricultural holding” has the meaning given in section 1(1) of the Agricultural Holdings Act 1986⁽³⁾ (principal definitions);

“civil sanction” means—

- (a) a compliance notice;
- (b) a restoration notice;
- (c) a stop notice;
- (d) a variable monetary penalty;

“compliance notice” has the meaning given in paragraph 1(1)(b) of Schedule 2;

“enforcement cost recovery notice” has the meaning given in regulation 12;

“farm business tenancy” has the meaning given in section 1 of the Agricultural Tenancies Act 1995⁽⁴⁾ (meaning of “farm business tenancy”);

“fertilisers” includes any material, organic or inorganic, natural or synthetic, which supplies nutrients required for plant growth, including but not limited to organic manures, lime, slurry, sewage sludge, anaerobic digestate, slag, trace elements, calcified seaweed and human waste;

“final notice” has the meaning given in paragraph 4(3) of Schedule 2;

“important hedgerow” has the meaning given in regulation 4;

“non-compliance penalty” has the meaning given in regulation 11(1);

“notice” means notice in writing;

“owner”, in relation to a hedgerow, means—

- (a) to the extent that the hedgerow is growing on any land which comprises part of an agricultural holding or which is subject to a farm business tenancy, the person who owns the freehold of the land or the tenant of that land; or
- (b) to the extent that the hedgerow is growing on any other land, the person who owns the freehold of the land,

and, for these purposes, a person who “owns the freehold” of land means a person who is entitled, otherwise than as a mortgagee not in possession, to dispose of the fee simple;

“pesticides” means anything used for destroying pests and includes herbicides, fungicides, insecticides and other biocides;

“Regulator” means the Secretary of State;

“restoration notice” has the meaning given in paragraph 1(1)(c) of Schedule 2;

(3) 1986 c. 5.

(4) 1995 c. 8.

“stop notice” has the meaning given in paragraph 1(2) of Schedule 1;

“variable monetary penalty” has the meaning given in paragraph 1(1)(a) of Schedule 2.

PART 2

Management of hedgerows

Hedgerows to which these Regulations apply

3.—(1) These Regulations apply to any hedgerow growing on land used for agriculture if that hedgerow has—

- (a) a continuous length of 20 metres or more; or
- (b) a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow,

except where the hedgerow is a hedgerow of a kind described in paragraph (2).

(2) A hedgerow described in this paragraph is any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

(3) These Regulations also apply to a stretch of hedgerow forming part of a hedgerow described in paragraph (1).

(4) Where a hedgerow meets (whether by intersection or junction) another hedgerow, it is to be treated as ending at the point of intersection or junction.

(5) When ascertaining the length of a hedgerow for the purposes of these Regulations, any gap—

- (a) resulting from a contravention of the Hedgerows Regulations 1997(5); or
- (b) not exceeding 20 metres,

is to be treated as part of the hedgerow.

(6) For the purposes of this regulation—

“a hedgerow growing on land used for agriculture” includes any hedgerow growing on land adjacent to land used for agriculture which is owned by the owner of the hedgerow; and

“gap”, in relation to a hedgerow, means any opening (whether or not it is filled).

Prescribed criteria for “important” hedgerows

4. For the purposes of section 97 of the Environment Act 1995 (hedgerows) and of these Regulations, an “important” hedgerow is one to which, by virtue of regulation 3, these Regulations apply.

General maintenance requirements for important hedgerows

5.—(1) An owner of an important hedgerow or any person employed or engaged by an owner or otherwise acting on an owner’s behalf must, in relation to an important hedgerow or the owner’s agricultural land, comply with the general maintenance requirements set out in paragraphs (2) and (3).

(2) The requirements set out in this paragraph are to take all reasonable steps to establish and thereafter maintain green cover on land within two metres of the centre of an important hedgerow.

(5) S.I. 1997/1160; as amended by the Countryside Rights of Way Act 2000 (c. 37) and by S.I. 2003/2155, 2006/1177, 2009/1307, 2013/755 and 2015/377.

(3) The requirements set out in this paragraph are to not cultivate or apply fertilisers or pesticides to land within two metres of the centre of an important hedgerow unless—

(a) using pesticides, by way of spot application, to control the spread of any of the following weeds—

- (i) broad-leaved dock (*Rumex obtusifolius*);
- (ii) creeping or field thistle (*Cirsium arvense*);
- (iii) curled dock (*Rumex crispus*);
- (iv) giant hogweed (*Heracleum mantegazzianum*);
- (v) Himalayan balsam (*Impatiens glandulifera*);
- (vi) Japanese knotweed (*Reynoutria japonica*);
- (vii) ragwort (*Senecio jacobaea*);
- (viii) rhododendron (*Rhododendron ponticum*);
- (ix) spear thistle (*Cirsium vulgare*); and

(b) the land is being cultivated for one or more of the reasons specified in paragraph (4).

(4) The reasons specified in this paragraph are that—

- (a) the land is being cultivated to establish a green cover where a green cover does not exist;
- (b) written permission from the Regulator has been given to cultivate the land in order to—
 - (i) enhance the environment;
 - (ii) improve public or agricultural access; or
 - (iii) for reasons relating to livestock or crop production;
- (c) the land is being cultivated because there is otherwise a risk to human or animal health and safety;
- (d) the land is being cultivated or, as the case may be, fertilisers are being applied or pesticides are being used to—
 - (i) enable the treatment of a serious cause of harm to plant health or a serious infestation of any pest or weed; or
 - (ii) to permit measures to be taken to prevent the development of any such cause of harm or infestation.

(5) The requirements of this regulation do not apply to—

- (a) land either side of an important hedgerow where it can be demonstrated that the hedgerow is less than five years old;
- (b) land forming part of a parcel of two hectares or less, as measured within permanent boundary features;
- (c) the casting up of a traditional hedgerow bank during the period beginning 1st September in any year and ending on 28th or, as the case may be, 29th February in the following year, inclusive of those dates;
- (d) land on the side of an important hedgerow which is facing a dwelling house where the hedgerow marks a boundary of the curtilage of the dwelling house;
- (e) land used for an allotment within the meaning given by section 1 of the Allotments Act 1925(6) (interpretation).

(6) In paragraph (5)(c), a “traditional hedgerow bank” means an earth bank faced with turf or stone and topped with hedge plants.

(6) 1925 c. 61. Section 1 was amended by the Statute Law Repeals Act 1993 (c. 50), Schedule 1, Part 3.

(7) This regulation applies—

- (a) as regards agricultural land next to an important hedgerow that is not used for crop production, from 1st July 2024; or
- (b) as regards agricultural land next to an important hedgerow that is used for crop production, from the end of the first harvest of that crop that takes place after 1st July 2024.

Cutting and trimming of important hedgerows

6.—(1) The cutting and trimming of an important hedgerow is prohibited during the period beginning with 1st March in any year and ending on 31st August in that year, inclusive of those dates, except in the circumstances described in paragraphs (2) and (3).

(2) The circumstances described in this paragraph are where the cutting or trimming is of an important hedgerow which—

- (a) overhangs a highway, road or footpath over which there is a public or private right of way and the overhanging hedgerow obstructs the passage of, or is a danger to users;
- (b) obstructs the view of such users or the light from a public lamp; or
- (c) is dead, diseased, damaged or insecurely rooted and, because of its condition, the hedgerow, or part of it, is likely to cause danger by falling on to a highway, road or footpath.

(3) The circumstances described in this paragraph are where—

- (a) the cutting or trimming—
 - (i) takes place during the period beginning with 1st March in any year and ending on 30th April in that year, inclusive of those dates, and is for the purposes of carrying out hedge-laying or coppicing;
 - (ii) is in order to trim a newly laid hedgerow by hand, within six months of it being laid;
 - (iii) takes place during the month of August and is for the purposes of sowing oilseed rape or temporary grassland during that month, and the owner has notified the Regulator in writing before any cutting or trimming is undertaken; or
 - (iv) is in the interests of human or animal health and safety;
- (b) the cutting or trimming is to—
 - (i) enable the treatment of a serious cause of harm to plant health or a serious infestation of any pest or weed; or
 - (ii) permit measures to be taken to prevent the development of any such cause of harm or infestation;
- (c) the cutting or trimming is carried out on land by virtue of, or in connection with, any statutory activity and is reasonably necessary for that purpose;
- (d) written permission from the Regulator has been given to cut or trim the hedgerow—
 - (i) for the purposes of enhancing the environment;
 - (ii) for the purposes of improving public or agricultural access; or
 - (iii) for reasons relating to livestock or crop production.

(4) In paragraph (3)(c), “statutory activity” means an activity undertaken under or by virtue of any enactment (including any authorisation granted under any enactment).

PART 3

Offences

Offences

7.—(1) Any person to whom the general maintenance requirements in regulation 5 apply who fails to comply with those requirements commits an offence.

(2) Any person who cuts or trims an important hedgerow or who causes or permits another person to cut or trim an important hedgerow in contravention of regulation 6 commits an offence.

(3) A person who commits an offence under paragraph (1) or (2) is liable, on summary conviction, to a fine.

(4) In determining the amount of any fine to be imposed on a person convicted of an offence under paragraph (1) or (2), the court must, in particular, have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.

(5) Section 331 of the Town and Country Planning Act 1990(7) (offences by corporations) applies in relation to offences under paragraph (1) or (2) committed by a body corporate as it applies in relation to offences under that Act committed by a body corporate.

(6) Where the commission of an offence under paragraph (1) or (2) is due to the act or default of another person, that other person commits the offence and—

- (a) may be charged with and convicted of the offence, whether or not proceedings are taken against the first mentioned person; and
- (b) is liable, on summary conviction, to a fine under paragraph (3) which is to be determined by the court in accordance with paragraph (4).

(7) In these Regulations, a reference to an offence under paragraph (1) or (2) of this regulation is to be read as including an offence committed in circumstances to which paragraph (5) or (6) apply.

Defence

8.—(1) In any proceedings for an offence under regulation 7(1) or (2) it is, subject to paragraph (3), a defence for a person to prove that—

- (a) the commission of the offence was due to—
 - (i) a mistake,
 - (ii) reliance on information supplied to that person;
 - (iii) the act or default of another person; or
 - (iv) an accident or some other cause beyond the control of that person; and
- (b) the person took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by themselves or by any person under their control.

(2) A person may not, without leave of the court, seek to rely on a defence under paragraph (1) (a)(ii) or (iii) unless that person has served on the Regulator a notice giving the Regulator any information that the person may have to identify or assist in identifying that other person—

- (a) at least seven clear days before the hearing; and
- (b) where the accused has previously appeared before the court in connection with the alleged offence, within one month of the first such appearance.

PART 4

Enforcement

Enforcement

9. The Regulator must enforce the requirements of regulations 5 and 6.

Civil sanctions

10.—(1) The Regulator may impose one or more civil sanctions if, in any case, the Regulator considers that an offence has been committed under regulation 7(1) or (2).

(2) Schedule 1 makes provision relating to the issue by the Regulator of stop notices in connection with an offence.

(3) Schedule 2 makes provision for—

- (a) the imposition by the Regulator of variable monetary penalties; and
- (b) the issue by the Regulator of compliance notices and restoration notices,

in connection with an offence.

Non-compliance penalty

11.—(1) If a person fails to comply with the requirements of a compliance notice or a restoration notice the Regulator may serve a notice on that person imposing a monetary penalty (“a non-compliance penalty”) in respect of the same offence.

(2) The Regulator may impose a non-compliance penalty in respect of an offence irrespective of whether a variable monetary penalty was also imposed in respect of that offence.

(3) The amount of the non-compliance penalty must be determined by the Regulator and must be a percentage of the estimated costs of fulfilling the remaining requirements of the compliance notice or restoration notice, as the case may be.

(4) The percentage referred to in paragraph (3) must be determined by the Regulator having regard to all the circumstances of the case and may be up to 100%.

(5) A notice served under paragraph (1) must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount to be paid to the Regulator;
- (c) how payment must be made;
- (d) the period in which payment must be made, which must not be less than 28 days;
- (e) the right of appeal;
- (f) the consequences of failure to make payment in the specified period;
- (g) any circumstances in which the Regulator may reduce the amount of the penalty.

(6) The person on whom the notice imposing the non-compliance penalty is served may appeal against it in writing before the end of the period specified by the Regulator in the notice which must not be less than 28 days.

(7) The grounds of appeal are—

- (a) that the decision to serve the notice was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unfair or unreasonable for any reason;

- (d) that the amount of the penalty was unreasonable;
- (e) any other reason.

Enforcement cost recovery notices

12.—(1) The Regulator may serve a notice (“an enforcement cost recovery notice”) on a person on whom a variable monetary penalty notice, compliance notice, restoration notice or stop notice has been served requiring that person to pay the costs incurred by the Regulator in relation to the notice up to—

- (a) in the case of a variable monetary penalty notice, compliance notice or restoration notice, the time of its imposition; or
- (b) in the case of a stop notice, the time of service.

(2) In this regulation “costs” include in particular—

- (a) investigation costs;
- (b) administration costs;
- (c) costs of obtaining expert advice, including legal advice.

(3) The enforcement cost recovery notice must specify—

- (a) the grounds for serving the notice;
- (b) the amount to be paid;
- (c) how payment must be made;
- (d) the period in which payment must be made, which must not be less than 28 days;
- (e) the right of appeal;
- (f) the consequences of failure to make payment in the specified period.

(4) The person on whom the notice is served may request that the Regulator provide a detailed breakdown of the amount to be paid.

(5) The Regulator must comply with a request made under paragraph (4).

(6) The person on whom the notice is served is not liable to pay any costs shown by that person to have been incurred unnecessarily.

(7) The person on whom the notice is served may appeal against it in writing before the end of the period specified by the Regulator in the notice which must not be less than 28 days.

(8) The grounds of appeal are—

- (a) that the decision of the Regulator to impose the requirement to pay costs is unfair or unreasonable;
- (b) that the decision of the Regulator as to the amount of those costs is unfair or unreasonable;
- (c) any other reason.

(9) Where a person on whom the notice is served fails to pay the full amount to be paid as specified in the notice before the end of the period for payment specified in the notice, the Regulator may recover the amount outstanding as a debt, together with interest on that amount, calculated in accordance with paragraph (10).

(10) Where the Regulator exercises the power conferred under paragraph (9), interest may be charged to the amount to be paid for each day from the end of the period for payment specified in the notice to the date on which payment of that amount, and of any associated costs, is made in full.

(11) For the purposes of paragraphs (9) and (10), the rate of interest applicable on any day is one percentage point above the Bank of England base rate.

- (12) In paragraph (11) “Bank of England base rate” means—
- (a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets; or
 - (b) if an order under section 19 of the Bank of England Act 1998⁽⁸⁾ (reserve powers) is in force, any equivalent rate determined by the Treasury under that section.

Recovery of payments

13. The Regulator may recover any variable monetary penalty or non-compliance penalty, or any costs specified in an enforcement cost recovery notice, on the order of a court, as if payable under a court order.

Withdrawing or amending a notice

- 14.**—(1) The Regulator may at any time in writing—
- (a) withdraw a variable monetary penalty notice, a non-compliance penalty notice or an enforcement cost recovery notice or reduce the amount specified in the notice;
 - (b) withdraw a compliance notice, restoration notice or stop notice or amend the steps so as to reduce the amount of work necessary to comply with the notice.
- (2) Paragraph (1) does not prevent the Regulator from withdrawing a notice and issuing a replacement notice.

Appeals

- 15.**—(1) Any appeal under these Regulations is to the First-tier Tribunal.
- (2) In any appeal, except in relation to a stop notice, where the commission of an offence is an issue requiring determination, the Regulator must prove that offence according to the same burden and standard of proof as in a criminal prosecution.
- (3) In any other case the Tribunal must determine the standard of proof.
- (4) All notices (other than stop notices) are suspended pending appeal.
- (5) The Tribunal may suspend or vary a stop notice.
- (6) The Tribunal may, in relation to the imposition of a requirement or service of a notice—
- (a) withdraw the requirement or notice;
 - (b) confirm the requirement or notice;
 - (c) vary the requirement or notice;
 - (d) take such steps as the Regulator could take in relation to the act or omission giving rise to the requirement or notice;
 - (e) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the Regulator.
- (7) The Tribunal may, in the case of an appeal under paragraph 5(2) of Schedule 1, decide any issue relating to compensation.

⁽⁸⁾ 1998 c. 11.

Guidance as to use of civil sanctions and enforcement of relevant offences

16.—(1) As regards each power to issue civil sanctions in relation to an offence under these Regulations, the Regulator must publish guidance—

- (a) about the intended use of the sanction;
 - (b) about how the offence is to be enforced.
- (2) Guidance under paragraph (1)(a) must include the information set out in paragraph (4)
- (3) Guidance under paragraph (1)(b) must include the information set out in paragraph (5).
- (4) The information referred to in paragraph (2) is information as to—
- (a) the circumstances in which the civil sanction is likely to be imposed;
 - (b) the circumstances in which the civil sanction may not be imposed;
 - (c) rights of appeal;
 - (d) as regards the power to issue a variable monetary penalty, a compliance notice or a restoration notice only, the rights to make representations and objections;
 - (e) as regards the power to issue a variable monetary penalty only, the matters likely to be taken into account by the Regulator in determining the amount of the penalty, which must include the voluntary reporting by any person of their own non-compliance.
- (5) The information referred to in paragraph (3) is information as to—
- (a) the sanctions (including criminal sanctions) to which a person who commits an offence may be liable;
 - (b) the action which the regulator may take to enforce the offence;
 - (c) the circumstances in which the Regulator is likely to take any such action.
- (6) The Regulator must revise the guidance issued under paragraph (1)(a) and (b) where appropriate from time to time, subject to regulation 18.
- (7) The Regulator must have regard to the current guidance under paragraph (1)(a) when exercising the power to issue a civil sanction to which it relates.

Guidance as to use of non-compliance penalties

17.—(1) The Regulator must publish guidance about the intended use of non-compliance penalties and enforcement cost recovery notices, which must include the information set out in paragraph (2).

- (2) The information referred to in paragraph (1) is information as to—
- (a) the circumstances in which they are likely to be imposed;
 - (b) the circumstances in which they may not be imposed;
 - (c) rights of appeal;
 - (d) matters to be taken into account by the Regulator in determining amounts.

Consultation on guidance

18. The Regulator—

- (a) may consult such persons as the Regulator considers appropriate before publishing any guidance or revised guidance in relation to the intended use of enforcement cost recovery notices under these Regulations; and
- (b) must consult such persons as the Regulator considers appropriate before publishing any other guidance or revised guidance under these Regulations,

Publication of enforcement action

19.—(1) As regards each power to issue civil sanctions in relation to an offence under these Regulations, the Regulator must, from time to time, publish a document in respect of the relevant period which sets out—

- (a) the cases in which the civil sanction has been imposed;
- (b) as regards the power to issue a variable monetary penalty, restoration notice or compliance notice only, the cases in which an undertaking offered under paragraph 3(b) of Schedule 2 has been accepted by the Regulator under paragraph 4(2) of Schedule 2.

(2) In paragraph (1)(a) the reference to cases in which the civil sanction has been imposed does not include cases to the extent that a sanction has been imposed but is overturned on appeal.

(3) This regulation does not apply in cases where the Regulator considers that publication would be inappropriate.

Right to enter and inspect

20.—(1) Any person authorised in writing by the Regulator may, on producing the authorisation if required, at any reasonable hour enter any land or premises (other than premises used exclusively as domestic purposes) to undertake an inspection—

- (a) to ascertain or verify whether there is or has been any breach of the requirements set out in regulation 5 or 6;
- (b) to determine whether any of the powers conferred on the Regulator by these Regulations should be exercised in relation to the land or premises or any other land or premises;
- (c) to determine how any such power should be exercised in relation to the land or premises or any other land or premises;
- (d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or premises or any other land or premises.

(2) Subject to paragraph (3), the authorised person must—

- (a) inform the owner of the land or premises of the purpose of the proposed inspection and, where possible, agree a suitable date and time for that inspection;
- (b) if it is not possible to agree a suitable date and time, notify the owner of the land or premises in writing of the purpose of the inspection and the date and time at least 48 hours in advance of that inspection.

(3) The requirement in paragraph (2) does not apply where, in any case, the authorised person has reason to suspect that an offence under regulation 7(1) or (2) is being committed on the land or premises.

Right to enter and inspect: supplementary provisions

21.—(1) A person authorised to enter and inspect any land or premises in pursuance of a right of entry and inspection conferred under or by virtue of regulation 20 (referred to in this regulation as “a right of entry”)—

- (a) on request, must produce evidence of that authority and state the purpose of entry before entering;
- (b) may be accompanied by such other persons as considered necessary;
- (c) on leaving the land must, if the owner or occupier is not then present, leave it as effectively secured as it was at the time of entry.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Powers of entry and examination etc.

- 22.** When entering any premises or land under regulation 20 the Regulator may—
- (a) bring any equipment or materials required for the authorised purpose in question;
 - (b) make such examination and investigation as may be necessary which includes but is not limited to the power to—
 - (i) observe and view;
 - (ii) require explanations;
 - (iii) seek or require information or records;
 - (iv) take copies of documents;
 - (v) direct other public bodies and local authorities, to exercise such functions as they may have to investigate as appropriate;
 - (vi) take possession of and detain substances or articles found;
 - (c) make such measurements, take such samples and photographs and make such recordings as the Regulator considers necessary for the purpose of any such examination or investigation.

PART 5

Review

Review

- 23.—**(1) The Secretary of State must—
- (a) as soon as reasonably practicable after the end of the period of three years from the date on which these Regulations come into force carry out a review of the operation of Part 4 and Schedules 1 and 2 (which relate to enforcement and civil sanctions);
 - (b) from time to time carry out a review of the regulatory provision contained in these Regulations;
 - (c) publish a report setting out the conclusions of any review.
- (2) In the case of a review under paragraph (1)(a)—
- (a) section 67 of the Regulatory Enforcement and Sanctions Act 2008⁽⁹⁾ (review) requires that the review must in particular consider whether the provision has implemented its objectives efficiently and effectively;
 - (b) the Secretary of State, in conducting the review, must consult such persons as the Secretary of State considers appropriate; and
 - (c) the Secretary of State must lay a copy of the report under paragraph (1)(c) before Parliament.
- (3) In the case of a review under paragraph (1)(b)—
- (a) the first report must be published before the expiry of the period of five years from the date on which these Regulations come into force;

(9) 2008 c. 13.

- (b) subsequent reports must be published at intervals not exceeding five years; and
 - (c) section 30(4) of the Small Business, Enterprise and Employment Act 2015⁽¹⁰⁾ (section 28(2)(a): provision for review) requires that a report published under this regulation must, in particular—
 - (i) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(b);
 - (ii) assess the extent to which those objectives are met;
 - (iii) assess whether those objectives remain appropriate; and
 - (iv) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which achieves less onerous regulatory provision.
- (4) In this regulation, “regulatory provision” has the meaning given in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

22nd May 2024

⁽¹⁰⁾ 2015 c. 26. Sections 28 to 30 were amended by the Enterprise Act 2016 (c. 12), sections 19(a) and (b) and 44(5) and article 3(b) of S.I. 2016/695; the European Union (Withdrawal) Act 2018 (c. 16), section 25(4) and Schedule 8, paragraph 36(a); the Advanced Research and Invention Agency Act 2022 (c. 4), Schedule 3, paragraph 11; and the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), sections 18(3) and 22(2).

SCHEDULES

SCHEDULE 1

Regulation 10

Stop notices

Stop notices

1.—(1) The Regulator may serve a stop notice on any person in accordance with this Schedule in relation to the offence set out in regulation 7(1) or (2).

(2) A “stop notice” is a notice prohibiting a person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice.

(3) A stop notice may only be served in a case falling within sub-paragraph (4).

(4) A case falling within this sub-paragraph is a case where—

- (a) the person is carrying on the activity,
- (b) the Regulator reasonably believes that the activity as carried on by that person is causing, or presents a significant risk of causing, serious damage to “important” hedgerows in breach of regulations 5 and 6, and
- (c) the Regulator reasonably believes that the activity as carried on by that person involves or is likely to involve the commission of an offence under regulation 7(1) or (2) by that person.

(5) The steps referred to in sub-paragraph (2) must be steps to remove or reduce the damage or risk of damage referred to in sub-paragraph (4)(b).

Contents of a stop notice

2. A stop notice must include information as to—

- (a) the grounds for serving the stop notice;
- (b) the steps the person must take to comply with the stop notice;
- (c) rights of appeal;
- (d) the consequences of non-compliance.

Appeals

3.—(1) The person on whom a stop notice is served may appeal to the First-tier Tribunal against the decision to serve it in writing before the end of the period specified by the Regulator in the notice which must not be less than 28 days.

(2) The grounds for appeal are—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that any step specified in the notice is unreasonable;

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- (e) that the person has not committed the offence and would not have committed it had the stop notice not been served;
- (f) that the person would not, by reason of any defence, have been liable to be convicted of the offence had the stop notice not been served;
- (g) any other reason.

Completion certificates

4.—(1) Where, after service of a stop notice, the Regulator is satisfied that the person has taken the steps specified in the notice, the Regulator must issue a certificate to that effect (a “completion certificate”).

(2) The stop notice ceases to have effect on the issue of a completion certificate.

(3) The person on whom the stop notice is served may at any time apply to the Regulator in writing for a completion certificate.

(4) The Regulator must make a decision as to whether to issue a completion certificate within 14 days from the date on which the application was received.

(5) The person on whom the stop notice was served may appeal against a decision not to issue a completion certificate in writing before the end of the period specified by the Regulator in the notice, which must not be less than 28 days, on the grounds that the decision was—

- (a) based on an error of fact;
- (b) wrong in law;
- (c) unfair or unreasonable;
- (d) wrong for any other reason.

Compensation

5.—(1) The Regulator must compensate a person for loss suffered as the result of the service of the stop notice if that person has suffered loss as a result of the notice and—

- (a) a stop notice is subsequently withdrawn or amended by the Regulator because the decision to serve it was unreasonable or any step specified in the notice was unreasonable;
- (b) that person successfully appeals against the stop notice and the First-tier Tribunal finds that the service of the notice was unreasonable; or
- (c) that person successfully appeals against the refusal of a completion certificate and the Tribunal finds that the refusal was unreasonable.

(2) A person may appeal against a decision not to award compensation or the amount of compensation in writing before the end of the period of 28 days from the date of that decision—

- (a) on the grounds that the Regulator’s decision was unreasonable;
- (b) on the grounds that the amount offered was based on an error of fact;
- (c) for any other reason.

Offences

6. Where a person on whom a stop notice is served does not comply with it within the time limit specified in the notice, the person is guilty of an offence and is liable, on summary conviction, to a fine.

SCHEDULE 2

Regulation 10

Variable monetary penalties, compliance notices and restoration notices

Imposition of a variable monetary penalty, compliance notice or restoration notice

- 1.—(1) The Regulator may by notice impose—
- (a) a requirement to pay a monetary penalty of such amount as the Regulator may determine (“a variable monetary penalty”);
 - (b) a requirement to take such steps as the Regulator may specify, before the end of such period as the Regulator may specify, to secure that the offence does not continue or recur (“a compliance notice”);
 - (c) a requirement to take such steps as the Regulator may specify, before the end of such period as the Regulator may specify, to secure that the position is, so far as possible, restored to what it would have been if the offence had not been committed (“a restoration notice”).
- (2) Before exercising the power in sub-paragraph (1) the Regulator must be satisfied beyond reasonable doubt that—
- (a) the person on whom the notice is to be served has committed an offence under these Regulations; and
 - (b) notwithstanding any defence raised, the person would be liable to be convicted of that offence.
- (3) A requirement under this paragraph may not be imposed on a person on more than one occasion in relation to the same act or omission but requirements under paragraph (a), (b) or (c) of sub-paragraph (1) may be imposed on a person in relation to the same act or omission.
- (4) Where a variable monetary penalty is issued, the amount must not exceed £250,000.

Notice of intent

- 2.—(1) Where the Regulator proposes to serve a notice under this Schedule on a person, the Regulator must serve on that person a notice of what is proposed (a “notice of intent”).
- (2) The notice of intent must include—
- (a) the grounds for the proposed notice;
 - (b) as regards a proposed restoration notice or compliance notice, the requirement of the notice;
 - (c) as regards a proposed variable monetary penalty, the amount of the penalty;
 - (d) information as to—
 - (i) the right to make representations and objections before the end of the period of 28 days beginning with the day on which the notice of intent was received;
 - (ii) the circumstances in which the Regulator may not impose the proposed notice (including any defences relating to the offence in relation to which the notice is served).

Notice of intent: representations, objections and undertakings

3. A person on whom a notice of intent is served may, before the end of the period of 28 days beginning with the day on which the notice was received—
- (a) make written representations and objections to the Regulator in relation to the proposed imposition of a variable monetary penalty, restoration notice or compliance notice; and

- (b) offer an undertaking as to action to be taken by that person (including the payment of a sum of money) to benefit any person affected by the offence.

Final notice

4.—(1) After the end of the period referred to in paragraph 3, the Regulator must decide whether to—

- (a) impose the requirements proposed in the notice of intent, with or without modifications; or
- (b) impose any other requirement that the Regulator has power to impose.

(2) The Regulator must—

- (a) decide whether to accept any undertaking offered under paragraph 3(b); and
- (b) take any accepted undertaking into account in making a decision under paragraph (1).

(3) Where the Regulator decides to impose a requirement proposed in the notice of intent, the notice imposing it (the “final notice”) must comply with paragraph 5.

Content of final notice

5. A final notice must include information as to—

- (a) the grounds for imposing the requirement;
- (b) as regards a variable monetary penalty—
 - (i) the amount to be paid;
 - (ii) how payment may be made;
 - (iii) the period within which payment must be made which must be not less than 28 days;
 - (iv) any early payment discounts or late payment penalties;
- (c) as regards a compliance notice or restoration notice—
 - (i) what action is required;
 - (ii) the period within which that action must be taken;
- (d) rights of appeal;
- (e) the consequences of failing to comply with the notice.

Appeals against a final notice

6.—(1) The person receiving a final notice may appeal to the First-tier Tribunal against it in writing before the end of the period specified by the Regulator in the notice which must not be less than 28 days.

(2) The grounds for appeal are—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) in the case of a variable monetary penalty, that the amount of the penalty is unreasonable;
- (d) in the case of a compliance notice or restoration notice, that the nature of the requirement is unreasonable;
- (e) that the decision was unreasonable for any other reason;
- (f) any other reason.

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Criminal proceedings

7.—(1) If a variable monetary penalty, compliance notice or restoration notice is imposed on any person, or an undertaking offered by a person is accepted by the Regulator under paragraph 4(2), that person may not at any time be convicted of the offence under regulation 7(1) or (2) in respect of the act or omission giving rise to the variable monetary penalty, compliance notice, restoration notice except in a case referred to in sub-paragraph (2).

(2) The case referred to in sub-paragraph (1) is a case where—

- (a) a restoration notice or compliance notice is imposed on a person or an undertaking is accepted by the Regulator under paragraph 4(2);
- (b) no variable monetary penalty is imposed on that person; and
- (c) that person fails to comply with the restoration notice, compliance notice or undertaking.

(3) Criminal proceedings for offences triable summarily in connection with a case to which a notice in sub-paragraph (2) relates may be instituted at any time up to six months from the date when the Regulator notifies the person that such person has failed to comply with that notice or undertaking.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the protection of hedgerows on agricultural land.

Regulation 3 sets out the class of hedgerows to which the Regulations apply. Regulation 4 designates those hedgerows as “important” under section 97 of the Environment Act 1995 (c. 25).

Regulation 5 imposes a general maintenance requirement in respect of important hedgerows. This is a duty on owners to take all reasonable steps to create and thereafter maintain green cover on land which is within two metres from the centre of the hedgerow and to not cultivate or apply fertilisers or pesticides on any such land except in the circumstances set out in, and for the reasons permitted by, that regulation. There are limited exceptions including for hedgerows on parcels of land of less than two hectares and in relation to land which is either side of an important hedgerow that marks the boundary of a dwelling house. Provision is also made for the staggered application, from 1st July 2024, of the maintenance requirements in regulation 5 depending on whether or not the agricultural land next to the important hedgerow in question is being used for crop production.

Regulation 6 prohibits the cutting or trimming of an important hedgerow during the period beginning with 1st March in any year and ending on 31st August in that same year, inclusive of those dates, except in the limited circumstances described in that regulation.

Regulation 7 makes it an offence for any person to contravene the requirements of regulations 5 and 6 and any person doing so is liable to a fine on summary conviction in England and Wales. Regulation 8 provides for defences including where an offence has been committed due to the act or default of another person. Regulation 9 requires the Secretary of State, as Regulator, to enforce the requirements of regulations 5 and 6.

Regulation 10, and the Schedules, provide for civil sanctions (including the issue of various notices) in respect of offences under regulation 7. Regulation 11 enables the Regulator to impose a monetary penalty for a failure to comply with a compliance notice or restoration notice. Regulation 12 enables

the Regulator to recover the costs associated with the imposition a variable monetary penalty notice, a compliance notice, a restoration notice or a stop notice subject to a right of appeal on specified grounds. Regulation 13 enables the Regulator to recover by court order any amount by way of a variable monetary penalty, non-compliance penalty or enforcement costs. Regulation 14 enables the Regulator to withdraw or amend any notice issued at any time in writing. Regulation 15 provides a right of appeal to the First-tier Tribunal against any notice issued by the Regulator under these Regulations. The time limit which applies for these purposes, by virtue of provision in regulations 11(6) (non-compliance penalty notices) and 12(7) (enforcement cost recovery notices) of the Regulations and in paragraphs 3(1) (stop notices) and 6(1) (final notices) of Schedule 1 to the Regulations, is before the end of the period specified in the notice concerned which must not be less than 28 days. All notices, except stop notices, are suspended pending the determination of the appeal. The Tribunal may on appeal withdraw, confirm or vary any requirement of a notice or remit a matter to the Regulator for a decision.

Regulations 16 and 17 require the Regulator to issue guidance, or revised guidance, in respect of the use of civil sanctions, including non-compliance penalties and cost recovery notices, and enforcement. Regulation 18 sets out the applicable consultation requirements. Regulation 19 requires the Regulator to publish a document regarding the use of civil sanction where a civil sanction has been accepted.

Regulations 20 to 22 provide a right of entry and inspection of land or premises by an authorised person providing evidence of authority on request in connection with breaches of the requirements in regulations 5 and 6 or other non-compliance. Any person who wilfully obstructs an authorised person commits an offence and is liable, on summary conviction, to a fine. The Regulator may bring equipment or materials required for the inspection and the authorised person may make any necessary examination including searching and seizing items, requiring explanations, information or records and taking copies of documents.

Regulation 23 contains a review provision.

An impact assessment has not been produced for this instrument as no, or no significant impact, on the private or voluntary sector is foreseen.



Tree and Hedgerow Code of Practice

Herefordshire Council

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Introduction

This code of practice applies to trees and hedgerows on Council owned or managed land; and other trees and hedgerows over which the Council has legal controls or a statutory duty of care.

Trees and hedgerows are the often-unacknowledged backdrop to the landscape of the County of Herefordshire, not only in the countryside but also in its towns and villages, where they form important local landmarks and landscape features, creating the 'sense of place' that helps to characterise the county. They enhance the setting of important buildings, of village greens and open spaces and there are many individual trees across the county that possess special cultural or historical associations. Trees and hedgerows are an essential habitat for wildlife and help address climate change and improve air quality. Hedgerows are vital delineating boundaries of fields and parcels of land creating the distinctive meandering patterns of the Herefordshire landscape and are often formed by a very locally distinctive mix of species.

The Council recognises its natural assets and seeks to reinforce their protection through its:

- The Council Plan
- Core Strategy (local plan)
- Green Blue Infrastructure Strategy
- Climate Change and Ecological Emergency
- Local Transport Plan
- Highway Maintenance Plan

Herefordshire Council in this Tree & Hedgerow Code of Practice has set out policies and guidance that recognise the vital roles trees and hedgerows play as key natural asset of the county.

Definitions

'Tree' in this document can relate to any significant woody shrub, single or group of trees – including, but not limited to trees in woodlands, copses, coppices, hedgerow trees, highway side trees, trees in parklands, open spaces, tree collections, and fruit trees in any situation.

'Hedgerows' or, length of woody shrubs managed to form a linear feature, are covered as a specific section of their own in this code of practice.

The Role of the Council

To maintain and improve the quality of life, both for residents and for visitors to the county, Herefordshire Council is committed to promoting good management of trees and hedgerows. The Council has both a managerial and a regulatory role, with legal responsibilities not only to maintain its own trees and hedgerows but also to fulfil its other legislative obligations.

The management of its own trees is underpinned by ongoing monitoring through regular tree surveys of land under its management. These inspections ensure that Council-owned trees are in a satisfactory condition by identifying potential problems so they can be remedied in a timely, appropriate, and cost-effective manner.

The Council will also act in response to significant hazards identified within its tree stock by members of the public.

In addition to maintaining its own tree and hedgerow stock, the Council also has a regulatory role to secure the protection of important trees at risk on private and commercial sites through Tree Preservation Orders (TPOs) and controlling works to trees within designated conservation areas. The Council is the regulatory authority for the Hedgerow Regulations 1997. It also has a duty to ensure that trees and hedgerows are fully recognised as material considerations within the planning process and that trees and hedgerows on development sites are adequately protected from harm during construction.

Trees and hedgerows play a part in the lives of all residents and visitors to the county by shaping its environment and form. Our plans and strategies prioritise well designed and implemented green & blue infrastructure and the trees as well as the wider benefits they can deliver:

- climate change adaptation
- noise and air pollution
- flood alleviation
- wildlife habitats and connectivity
- health and wellbeing
- traffic calming
- landscape resilience
- carbon sequestration

Overarching Aims and Objectives

- Preserve and increase tree canopy cover across the county.
- To support the principle of the right tree, in the right place.
- Lead by example; implementing all current best practice across the Council's tree planting and tree and hedgerow management activities.
- Ensure all trees and hedgerows receive appropriate aftercare and management to ensure longevity.
- Provide clear code of practice within the Core Strategy (local plan) and supplementary guidance on protection, preservation and enhancement of tree and hedgerow stock on development sites.

- Working to reduce trees lost across the county and to collaborate with partners so that they can contribute to tree planting, tree care, climate adaptation and the desire to increase the tree cover of the county.
- Recognising the significance of hedgerows and promoting their planting, restoration, and appropriate management.
- Respond in a proactive manner to all tree related enquiries and incidents within the responsibility of the Council.

Tree and Hedgerow Code of Practice Statements

The following code of practice statements constitute the Herefordshire Council Tree and Hedgerow Code of Practice and have been written to give clear and unambiguous statements to ensure the Council meets its legal, health & safety obligations and duty of care whilst not exposing the Council to any undue liability. The Council will endeavour to implement these practices where it is the relevant or competent authority for such matters, including its function as a Planning Authority.

All appointed or contracted partners, contractors and agents are required to comply with this Herefordshire Council Tree Code of Practice.

Tree Care and Management of Council-owned Trees

The Council is responsible for trees and hedgerows growing on Council owned or managed land; and other trees and hedgerows over which the Council has legal controls or a statutory duty of care. These include trees on public open spaces, highway trees, trees around Council buildings and those on some areas of Common Land.

The Council has no powers to become involved with trees under private ownership except where they cause an immediate hazard to users of Council owned land, open space, buildings, or highways.

Schools are normally responsible for the management of their own grounds and tree maintenance and all reports should be made directly to the school or college wherever possible.

Code of practice 1 – Tree Surveying

The Council will implement a proactive, cyclical inspection and tree care programme to achieve maximum safe lifecycles for all trees it is responsible for. The frequency of inspection and the maintenance works conducted by the Council will be determined based on the location and condition of the tree; and adhere to the Council's duty of care and legal responsibilities.

Code of practice 2 – Tree Removal

Herefordshire Council will retain and maintain its existing healthy tree stock. Removal will only be considered as last resort for the following reason(s):

- Dead

- Proven to be in terminal decline-dying and/or dangerous
- Considered by the Council or one of its arboriculturists to be causing serious damage to property; be an immediate risk to property or of causing harm to people; or to be an inappropriate species for the location.

Or:

- Under a legal or public safety obligation e.g. Highways Act 1980; to remove or removal is part of an agreed tree management programme or improvement plan.

Code of practice 3 – Trees, no grounds for removal

Within the Council's duty of care and legal responsibilities, the following reasons will NOT constitute grounds for the pruning or removal of trees by the Council:

- Interference with any received or transmitted electronic signal (e.g. satellite dish, TV aerial or radio signal)
- Leaf Fall
- Obstruction of view or casting shade, including of solar panels
- Problems caused by any wildlife using trees - such as insects, aphids ('honeydew'), or birds
- Problems associated with fruit or seeds
- Problems associated with pollen
- To facilitate private CCTV cameras
- Where the tree is perceived to be too large
- Healthy mature trees will not be removed to create space to plant new trees
- Someone is willing to pay for the removal and replacement of a tree

In cases where there is physical disruption to private pavements, kerbs, garden paths and walls an engineering solution will need to be considered on a case-by-case basis.

Code of practice 4 – Trees, overhanging branches

The Council has no legal obligation to prune branches overhanging boundaries; it does however have powers under the Highways Act to serve notice on landowners to manage trees/branches identified as being a hazard to users of the public highway (including Public Rights of Way).

Common law rights enable property owners to prune branches back to a boundary, although it must be noted that this common law right does not extend to trees protected by tree preservation orders or growing within a conservation area.

Where property owners exercise their common law rights by undertaking or commissioning the pruning of Council owned trees that overhang their properties it is expected that all such work will be carried out in accordance with the current edition of BS:3998, "Tree Work-Recommendations" by a suitably qualified arboriculturist. The Council may require the property owner to provide evidence of the qualifications and insurance cover of their contractor.

Unless otherwise formally agreed, all material created must be disposed of by the resident or their contractors and should not normally be left on any Council land.

Code of practice 5 – Trees, damage to property

Where trees owned or managed by the Council are directly in contact with a property (e.g. dwelling, garage, boundary wall) we will only carry out work as far as it is necessary to remove the nuisance.

Trees reported as touching private property will be assessed by an approved contractor and an appropriate course of action decided upon. This will normally take the form of pruning to create clearances sufficient to ensure that the nuisance will not recur for a period of at least three years. Trees causing such nuisance will only be felled if they are clearly dead, dying or at imminent risk of failure, causing harm to property or people.

Code of practice 6 – Insurance Claims

To protect the Council's interests and process claims efficiently the Council's insurance team will manage all claims for subsidence or other matters against its trees in accordance with the Joint Mitigation Protocol. <https://www.ltoa.org.uk/resources/joint-mitigation-protocol>

Tree Planting and Establishment

Code of practice 7 – Tree management and maintenance

The Council will seek to maintain its own tree stock in good condition and endeavour to increase tree canopy cover within our urban areas through replacement planting and, where appropriate and practicable, through new planting.

Code of practice 8 – Right Tree for the Right Place

Tree planting on Council land will prioritise larger growing trees with multiple benefits wherever practical, scaling down to smaller trees and shrubs where larger trees are clearly not suitable.

A diversity of species will be planted to accommodate climate change and pest & pathogen resilience in the Council's tree stock. The Council will have the final say in respect of all tree planting occurring on land it owns, manages, or adopts.

Code of practice 9 – Replacement Trees

For every Council tree with a stem diameter greater than 15cm removed a minimum of three new trees (based on BS:3936 - 'Standard' tree or an equivalent number of smaller trees) will be planted and maintained through establishment and formative years and then thereafter maintained as necessary for their natural life. The replacements will be planted in the same or similar locations. Should these existing locations be deemed not viable alternative

locations will be identified on land within the Council's responsibility or on other land with secured tenure within the locality.

Code of practice 10 – Replacing Trees

Any Council tree that must be removed due to claim mitigation (e.g. proven subsidence) will be replaced adhering to the mitigation agreement and with consideration of the previous tree replacement code of practice 8.

Code of practice 11 – Trees, working in partnership

Herefordshire Council will work proactively to engage with landowners, community groups, Parish, and Town Councils in support of projects increasing the county's tree cover or sustainable management of woodlands and 'trees outside of woodlands'. This includes the Council supporting actions to secure funding for tree planting and tree management Projects.

Code of practice 12 – Trees, biosecurity, and local provenance

Wherever possible all trees planted by the Council will be locally sourced, propagated and raised in the county or region and be of traceable local provenance and be compliant with the Forestry Commission Biosecure Procurement Standards. The Council will endeavour to support suppliers wishing to achieve these requirements.

Hedgerows

Code of practice 13 – Hedgerow management and maintenance

The frequency and nature of hedgerow management conducted by the Council will be determined based on the location and condition of the hedgerow; and to adhere to the Council's duty of care and legal responsibilities. The Council's hedgerow management will always demonstrate national best practice and support the Council's declared climate change and ecological emergency.

The council recognises that the majority of hedgerows alongside highways and Public Rights of Ways are in private ownership and the responsibility of the landowner. The council can serve notice on a hedgerow owner to undertake management in cases of obstruction/dangerous overhanging growth.

Code of practice 14 – Hedgerow Replacement

The Council will implement an 'avoid-mitigate-compensate' hierarchy approach to hedgerow removal; and ensure that any of its hedgerows having to be removed are replaced as a minimum 'length for length' with new species rich hedgerow. The replacement will be planted in the same or similar locations. Should these existing locations be deemed not viable,

alternative locations will be identified on land within the Council's responsibility or on other land with secured tenure within the locality.

Code of practice 15 – Locally characteristic hedgerows

Wherever achievable all new hedgerows planted on land owned, managed or to be adopted by the Council will be species rich, using locally characteristic species, consider climate change and pest & pathogen resilience. Except where demonstrated as unviable, all new lengths of hedgerows will have at least one new 'standard' hedgerow tree planted in every 20m length. All planting will be managed and maintained from establishment through to maturity. Thorny or spiky species will not be planted adjacent to any highway, cycleway, pavement footpath for formal public open space or play area.

Code of practice 16 – Hedgerows, working in partnership

Herefordshire Council will work proactively to engage with landowners, community groups, Parish, and Town Councils in support of projects increasing the length of hedgerow across the county and their traditional and sustainable management. This includes the Council supporting actions to secure funding for hedge planting and in support of traditional hedgerow management practices like hedge laying.

Code of practice 17 – Hedgerows, biosecurity, and local provenance

Wherever possible all hedgerow planted by the Council will be locally sourced, propagated and raised in the county or region and be of traceable local provenance and be compliant with the Forestry Commission Biosecure Procurement Standards. The Council will endeavour to support suppliers wishing to achieve these requirements.

Code of practice 18 – Hedgerow and Tree netting

The council will not undertake, support, or endorse the netting of hedgerows as a wildlife prevention method. The council will ensure compliance with the Wildlife & Countryside Act during all tree and hedgerow operations.

Planning and Regulatory Functions

It is noted that there are other regulations overseen by regulatory authorities besides the Council pertaining to Trees, Woodlands and Hedgerows including:

- *Forestry Commission – Felling Licences and Woodland Grant Schemes*
- *Rural Payment Agency – Basic Farm Payments, Countryside Stewardship and ELMS*
- *Environment Agency – riparian trees*
- *Natural England – statutory nature conservation sites e.g. Sites of Special Scientific Interest*

The Council has no regulatory function in respect of actual disturbance or harm to wildlife however it is caused; this is a potential criminal offence and should be reported directly to the police.

Code of practice 19 – Council Development

Highway improvement and other Council development projects will be used as an opportunity to secure retention of existing trees and hedgerows and prioritise new tree and hedgerow planting opportunities. Tree and hedgerow replacement code of practices 9 and 14 will apply in all but exceptional circumstances.

Code of practice 20 – Public Highways

New highways that are to be offered for adoption by the Council through new development must have tree cover as part of their core design, including consideration of tree-lined avenues either side of the carriageway or along central reservations, as required by the National Planning Policy Framework. Compliance with other national and local design guidance must be demonstrated. The designed installation of trees (e.g. tree pits and root barriers) must clearly demonstrate the longevity and health of the tree has been fully considered and that the final scheme will deliver a canopy cover of at least 30% after 10 years across the adopted streetscape. With exception in areas of specific highway safety requirements, the retention of existing hedgerows, reinstatement of traditional boundary hedgerows, and the inclusion of new hedgerows is strongly encouraged. Where the council adopts new or additional trees or hedgerows a relevant commuted sum to cover future management will be applied.

Code of practice 21 – Planning Code of practice

As part of the Council's Local Plan and supporting Planning Guidance a 'Tree and Hedgerow Replacement, Protection and Management Strategy' pertaining to all development applications in the county will be developed and implemented with a presumption against any removal; or where removal is required ensuring there is no net loss of trees or hedgerows due to development. To ensure climate change resilience, carbon sequestration and air quality value of trees and hedgerows within development sites are considered.

Code of practice 22 – Compensation for removal or loss due to development

The Council will seek compensation from any organisation or individual requesting removal of any of its tree stock or hedgerow in relation to an approved planning application. The financial compensation value of trees will be determined as calculated by Capital Asset Valuation of Amenity Trees (CAVAT). Hedgerow compensation will be based on the full cost recovery of replacement hedgerow planting as identified under code of practice 14 and allowing for a subsequent 30-year management and maintenance period in line with the requirements of the Environment Act.

Code of practice 23 – Compensation for removal or damage

The Council will seek to investigate, and where determined in the 'public interest' prosecute any organisation or individual that has removed or caused significant damage to any Council tree or hedgerow, or where a breach of any regulatory function of the Council may have occurred. Unless otherwise defined in statutory regulations, the financial compensation for the value of trees will be determined as calculated by Capital Asset Valuation of Amenity Trees (CAVAT). Hedgerow compensation will be based on the full cost recovery of replacement hedgerow planting as identified under code of practice 14 and allowing for a subsequent thirty-year management and maintenance period in line with the requirements of the Environment Act.

Code of practice 24 – Replacement trees, Tree Preservation Orders and Conservation areas

Except in exceptional circumstances all statutory requirements to secure replacement tree planting for an approved removal of trees subject to a Tree Preservation Order; or through the enforcement of a breach of a Tree Preservation Order or Conservation area will be secured by the Council on a like for like basis as supported by those statutory regulations.

Code of practice 25 – Full cost recovery

Where appropriate, the Council will seek full cost recovery of any expenses it incurs to mitigate the impact of private trees from the relevant land-tree owner, including any works it undertakes as part of its statutory powers and responsibilities, including legislation afforded as the Highways Authority under the Highways Act and use of Section 154 notices.

Code of practice 26 – Best practice and compliance

All companies, organisations or operatives working on highways, land, trees, or hedgerows owned by or under the responsibility of the Council must demonstrate that they are adhering to all relevant national guidance, standards, and regulations in respect of all elements of the works they are undertaking. This adherence should be fully referenced in their relevant working methods and project specifications. For example, the National Joint Utilities Group standards. The NJUG is the trade association for national and local utility companies and their contractors and provides detailed guidance on best practice during all street works and other activities. <http://streetworks.org.uk/good-practice-guidance/>

Other policies

Code of practice 27 – Communication and records

The Council will ensure all required and relevant notifications, applications and records in respect of works to its own trees and hedgerows and its statutory regulatory functions are kept up to date and, as necessary published in a timely manner to its website or other means of communication, to make them available to local residents and interested parties.

Code of practice 28 – Biodiversity and nature conservation

Within its duties and obligations and as relevant to specific trees at specific locations, the Council will endeavour to retain standing and fallen deadwood to provide biodiversity habitat; establish wildlife corridors and encourage invertebrate and fungal activity. Deadwood will also be used to provide access to ‘wild play’ features or support the installation of pieces of public art.

The council will ensure all its activities and operations can demonstrate compliance with all statutory environmental, ecological and nature regulations, guidance and accepted best practice. Examples include Conservation of Habitat and Species Regulations, Wildlife & Countryside Act, Environment Act, Countryside and Rights of Way Act, Natural England ‘standing advice’, Bat Conservation Trust Bat Survey Guidelines.

Code of practice 29 – Horizon scanning and compliance checking

The Council will remain vigilant to changes in national guidance on tree pests and pathogens and as necessary develop and adopt threat specific Action Plans for the Council’s tree and hedgerow stock and considering its duty of care, legal obligations, and statutory regulatory functions. An example of which is the Herefordshire Council Ash Dieback Action Plan being developed that will form an appendix to this Tree & Hedgerow Code of Practice.

Examples of relevant organisations, reference and supporting documents

References current at time of compilation (October 2023) but additional and replacement or updated versions may subsequently apply.

Environment Act (2021) and associated regulations

<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

Highways Act 1980 <https://www.legislation.gov.uk/ukpga/1980/66/contents>

Town & Country Planning Act and associated Regulations

<https://www.legislation.gov.uk/ukpga/1990/8/contents>

Hedgerow Regulations (1997) <https://www.legislation.gov.uk/uksi/1997/1160/contents>

The Management of Hedgerows (England) Regulations 2024

<https://www.legislation.gov.uk/uksi/2024/680/made>

Conservation of Habitats and Species Regulations

<https://www.legislation.gov.uk/uksi/2017/1012/contents>

Wildlife & Countryside Act <https://www.legislation.gov.uk/ukpga/1981/69/contents>

National Planning Code of practice Framework

https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

National Design Guides <https://www.gov.uk/government/publications/national-design-guide>

BS 3998 – Tree Work Recommendations <https://knowledge.bsigroup.com/products/tree-work-recommendations?version=standard>

BS 5837 – Trees in relation to design, demolition and construction <https://knowledge.bsigroup.com/products/trees-in-relation-to-design-demolition-and-construction-recommendations?version=standard>

BS8545 – Trees from nursery to establishment in the landscape <https://knowledge.bsigroup.com/products/trees-from-nursery-to-independence-in-the-landscape-recommendations?version=standard>

Manual for Streets

https://assets.publishing.service.gov.uk/media/6270d4838fa8f57a360f8b91/Essex_Manual_for_Streets_Redacted.pdf

Joint Mitigation Protocol <https://www.ltoa.org.uk/resources/joint-mitigation-protocol>

National Tree Safety Group <https://ntsgroup.org.uk/>

National Joint Utilities Group (NJUG) <http://streetworks.org.uk/>

Forestry Commission <https://www.gov.uk/government/organisations/forestry-commission>

Environment Agency <https://www.gov.uk/government/organisations/environment-agency>

Natural England <https://www.gov.uk/government/organisations/natural-england>

Bat Conservation Trust <https://www.bats.org.uk/>

The Tree Council <https://treecouncil.org.uk/>

Woodland Trust <https://www.woodlandtrust.org.uk/>

National House Building Standards Council <https://nhbc-standards.co.uk/>

Capital Asset Valuation of Amenity Trees (CAVAT) <https://www.ltoa.org.uk/resources/cavat>

Trees and Design Action Group (TDAG) <https://www.tdag.org.uk/>

Herefordshire Council Core Strategy

https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

Herefordshire Council Green Blue Infrastructure Strategy <https://www.herefordshire-natural-environment-map.co.uk/>

Herefordshire Council Climate Change & Ecological Emergency

<https://www.herefordshire.gov.uk/climate-2>

Herefordshire Council Sustainable Drainage Systems and Highway Design Guides

<https://www.herefordshire.gov.uk/planning-services/planning-services-1/11>

https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development

Herefordshire Council Hedgerow Planting Guidance (draft)



HC Guidance for
planting and establish

Ash Dieback Action Plan

*An overarching plan to identify, communicate and address the risks of ash dieback disease (*Hymenoscyphus fraxineus*) on council owned ash trees or where the council has a legal duty of care or responsibility for public and property safety in respect of ash trees.*

Published 2024



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Executive summary

Ash dieback is a serious tree disease epidemic caused by the fungal pathogen, *Hymenoscyphus fraxineus* (formally called *Chalara fraxinea*). It causes canopy dieback and facilitates potentially rapid death of ash trees; in particular of 'Common Ash' (*Fraxinus excelsior*). The wood of affected trees often becomes brittle, making tree removal difficult and dangerous and a safety hazard to property and users of the highway network, public open space, public and private property and the Council's employees and contractors.

Ash is an abundant tree in Herefordshire. Best available figures suggest there are now in excess of 500,000 full grown or nearly mature ash trees outside woodlands in the county and that ash is our most numerous hedgerow tree with about 17% of highway-side trees being ash. Ash dominated woodland covers over 6500ha (>25%) of all broadleaved woodland in the county. Ash is also present within urban areas – Council managed public open space, for example has been shown through tree surveys to contain over 2600 recorded mature ash.

Current research indicates between 1% and 5% of the population may have a genetic tolerance to ash dieback, meaning they can survive and reproduce to eventually create the next generation of ash trees. Even so, this means many ash trees will need to be felled or have remedial safety work undertaken on them in the next 10-15 years. Due to brittleness, these felling operations may be more complex and costly than usual. There will also be significant tree surveying requirements that will need to be undertaken in addition to existing tree health and safety assessments, as well as additional tree planting to replace removed trees. This additional work will need to be budgeted for within the Council as need is identified and costed.

Surveying for ash dieback symptoms ideally needs to take place between late June and mid-September as part of an annual survey and will largely be carried out by Council employed contractors with informal reporting by local residents. As more survey data is collected and collated, our understanding of required on-going survey and tree removal works will grow, which will inform the long-term action plan delivery resource requirements.

Drawing upon existing published material and to protect those trees that may have a genetic tolerance the common consensus is that **pre-emptive felling should be strongly discouraged and that infected trees should be felled only once they are clearly in serious decline, pose an imminent danger to people or property, or where significant timber value is likely to be lost through infection.**

This plan identifies the national and local importance of ash in the county, provides an overview of current knowledge and processes, and looks to recommend the way forward for the Council in respect of its own stock of ash trees ensuring there is not net reduction in tree numbers and that the council can fulfil its statutory obligations and implement new processes and systems. It is recognised that additional resources will be required to support the extra workload and tree planting requirements created by ash dieback.

About Ash Dieback

Ash dieback was first identified in Poland in 1992 and subsequently in Britain around 2012 although it is now agreed it was likely present but asymptomatic since before 2000. Ash dieback is now considered endemic to the whole of the UK and is widespread across Herefordshire.

It was initially given the name *Chalara fraxineus*, then *Hymenoscyphus pseudoalbidus*, and finally *Hymenoscyphus fraxineus*. The disease has a very high mortality rate in Common Ash (*Fraxinus excelsior*) but has also been found to impact other ash species and some related ornamental trees and shrubs. Ash dieback acts either directly on its host or by weakening them making them more susceptible to secondary pests or pathogens such as Honey Fungus or *Inonotus* species.



Across Europe and research in the UK by the John Innes Institute has indicated that a small percentage of ash exhibit varying degrees of tolerance through genetic variation. Currently up to 5% of trees have been found to have some level of tolerance to the disease, with 1-2% having a high tolerance. Even the long-term fate of highly tolerant trees is not known since they can continue to be re-infected each year and this may over time lead to reduced vigour and increased risk of death for other reasons.

Work to identify, propagate and trial tolerant ash is underway and minimizing pre-emptive felling is a vital part of this research programme. Work is also underway to research ways in which the progression of the disease in a tree can be reduced including the use of natural fungicides, increased husbandry of trees and inclusion of soil additives such as 'biochar' known to reduce stresses on specific trees in urban areas.

Due to the brittle nature of dead and dying ash additional care is required during management works that often requires the use of specialist and mechanised equipment such as Mobile Elevated Work Platforms (MEWP), 'Tree Shears', Timber Harvesters and even cranes. These requirements and associated specially trained operators can add significant additional costs to management works.

Ash trees in Herefordshire

Ash is an abundant tree in Herefordshire. Best available figures suggest there are now in excess of 500,000 full grown or nearly mature ash trees outside woodlands in the county and that ash is our most numerous hedgerow tree with about 17% of highway-side trees being ash. Ash dominated woodland covers over 6500ha (>25%) of all broadleaved woodland in the county. Ash is also present within urban areas – Council managed public open space, for example has been shown through tree surveys to contain over 2600 recorded mature ash.

From current highway survey data and the Bluesky National Tree Map it is estimated that there is in excess of 70,000 Ash trees within a distance that could affect Herefordshire's >3250 Km of public roads and equal or even greater number potentially impacting the 3360 Km of public rights of way in the county. It is further estimated that over 95% of these trees will be the responsibility of private landowners. The ability of trees to mitigate air pollution is directly linked to the healthy leaf surface they contain, their abundance and canopy size. Ash trees, with their high leaf surface area, dense canopy and abundance have been identified as one of the key tree species helping reduce air pollution. This is of particular relevance in Herefordshire as they are considered the most frequent roadside tree.

Ash species are included in the descriptions of 79% of the Council's registered Tree Preservation Orders. These ash may be individual 'specimen' trees, identified in 'group' orders or within larger area TPOs such as copses and woodland.

In heritage and landscape terms, potentially the most valuable trees are those which are either ancient, veterans (e.g. hollow) or very large. The Ancient Tree Inventory in 2016 listed 8328 "ancient, veteran or notable" ash trees in England with over 6% (531) being recorded in Herefordshire; by comparison Devon which is also a stronghold for ash only has 157 entries. Of all the trees recorded in the inventory for Herefordshire over 10% are ash. Ancient and veteran ash trees are mainly found within the county's large rural estates, parkland, nationally rare wood pasture, hedges and other landscape features, rather than within closed woodlands. Many more large trees exist but are as yet unrecorded.

The biodiversity value of ash as a host species is vast, as identified in the problem of finding alternative species to replant. The JNCC identifies 69 obligate species (has to use ash as a host or within its lifecycle) that are most likely to become extinct through the loss of ash trees in the environment. Over the past 15 years there are over 451 records held by the Herefordshire Biological Records Centre for species on this 'red' list including 2 species of galls, 5 species of fungi and 5 species of insects. With a dominance of ash in the county the real number is likely to be higher but records haven't been submitted or they just haven't been noticed. There is an even greater number of species who are partly ash obligate and a vast number who utilise ash as part of their lifecycle, foraging and commuting activity.

Nationally and in particular in counties like Herefordshire where ash is a dominant tree species there are many other 'benefits' associated with the species such as carbon sequestration – estimated by the Forestry Commission in 2012 to nationally be 1 million tonnes per annum; sound screening and mitigation; temperature management (shade) and wind screening and filtering air pollution. Tree and woodlands are also known to have a positive effect on people's mental health and well-being and are a key part of education and initiatives in the county such as 'Forest Schools'.

Unlike oaks, dead ash and those that are dying back can rapidly become more unstable and at greater risk of falling, so posing a substantial and often unpredictable risk. This issue is particularly pertinent to trees alongside roads and other public rights of way. The typical cost of felling and removing a mature roadside tree is estimated nationally at around £800 – a conservative figure where traffic has to be controlled. Smaller trees will cost less, and where lines of tree can be removed at the same time unit price will fall – although where this is a mixed line of dead, dying and living ash trees this complete removal should not be considered good or normal practice for any reason other than purely financial. It is recognised that few landowners and indeed this council, are likely to be able or willing to cover the expense of multiple visits for remedial tree surgery work such as limb removal or crown reduction except in exceptional circumstances.



Ash Dieback and Herefordshire Council

Herefordshire Council, as a Unitary Authority has both a managerial and a regulatory role, with legal responsibilities and duty of care not only to maintain its own ash trees such as those on Council owned land including highways, public open space, commons, Council-maintained schools and grounds of other council buildings. The Council also has to fulfil its other legislative obligations, such as the legal responsibility for wider highway safety, statutory tree protection, planning (including statutory biodiversity net gain) and other functions such as trading standards. The Council also has a role to play in demonstrating best practice and providing advice and guidance on ash dieback to residents and landowners in the county. The Council must also ensure the effects of ash dieback are fully considered through partnerships it is involved in such as National Landscapes (Malvern Hills and Wye Valley) and the Local Nature Partnership/Local Nature Recovery Strategy.

The management of its own trees is underpinned by ongoing monitoring through regular tree surveys of land under its management. These inspections ensure that council-owned trees are in a satisfactory condition by identifying potential problems so they can be remedied in a timely, appropriate, and cost-effective manner. The Council will also act in response to significant hazards identified within its tree stock by members of the public. The nature and potentially quick progression of ash dieback within infected trees requires additional levels of knowledge and training and a clear process to ensure appropriate frequency of surveys is maintained. The technical nature of works to dead-dying ash trees is also identified as a potential additional resource requirement (trained operators and equipment).

With some 95% of ash trees that could potentially impact a public highway being in private ownership the Council's duty under section 154 of the Highways Act to serve notice on the landowner for any trees identified as being of a high risk to highway safety is a potentially significant additional element of work requiring resource. If a landowner does not comply with the legal notice to reduce-manage the risk then the Council must intervene and undertake the work itself and then implement a full cost recovery process against the landowner as appropriate. This requirement to undertake the works and then secure full cost recovery is an identified additional risk and resource requirement on the Council.

With the different management systems for school grounds across the county there is currently no information available on the extent of ash trees in 'Council-maintained' school grounds. These school ash trees will have a higher risk potential due to their location and high use of school grounds. Further advice and guidance will need to be developed to support schools and undertake identified additional surveying and required management activities.

The action plan will now split into sections specific to each of the key areas of ash trees that are council owned or managed, or where the council has a legal responsibility or duty of care. These sections will try to identify existing knowledge, actions and processes and provide suggestions and on recommendations on where and how change may be required in response to ash dieback in the county.

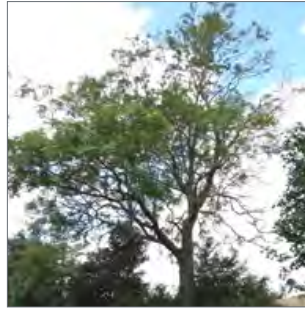
A nationally accepted 'quick' system to assess and record the extent/effect of ash dieback on a tree has been established by The Tree Council on behalf of DEFRA. This visual assessment using remaining density of canopy cover can be quickly and easily carried out by any officer after a short initial training has been received.



Class 1 100% -76%



Class 2 75% - 51%



Class 3 50%-26%



Class 4 25% - 0%

images © Gary Battell

It is anticipated that the Council will adopt this system to facilitate quick assessment of the progression of ash dieback in its ash trees to then guide what further specific professional surveys, tree risk assessments or actions may be most appropriate/necessary for trees considered to be in Stage 3 or Stage 4.

For ash trees on Council owned land or that are directly managed by the Council the recently adopted Trees & Hedgerow Code of Practice (2024) shall apply in respect of all works and actions. This CoP includes a recommended tree replacement scheme.

The CoP relevant to tree replacement and ash dieback recovery planting are:

Code of practice 8 – Right Tree for the Right Place

Tree planting on Council land will prioritise larger growing trees with multiple benefits wherever practical, scaling down to smaller trees and shrubs where larger trees are clearly not suitable.

A diversity of species will be planted to accommodate climate change and pest & pathogen resilience in the council's tree stock. The Council will have the final say in respect of all tree planting occurring on land it owns, manages or adopts.

Code of practice 9 – Replacement Trees

For every Council tree with a stem diameter greater than 15cm removed a minimum of three new trees (based on BS:3936 - 'Standard' tree or an equivalent number of smaller trees) will be planted and maintained through establishment and formative years and then thereafter maintained as necessary for their natural life. The replacements will be planted in the same or similar locations. Should these existing locations be deemed not viable alternative locations will be identified on land within the Council's responsibility or on other land with secured tenure within the locality.

Recovery-replacement planting should ensure a mix of species, native and non-native is planted in appropriate locations so as to help mitigate effects of future pests and pathogens and allow for climate change adaptation. The Council will promote this approach to third party landowners and the public as best practice and responsible tree husbandry.

Highways (not Public Rights of Way)

The management of the county's highways is currently devolved to the Council's public realm contract partner.

The nationally accepted 'quick' visual assessment system to assess and record the extent/effect of ash dieback on a tree as established by The Tree Council on behalf of DEFRA will be utilised.

For a Tree Survey a nationally accepted system of risk assessing trees in the public domain has been established. A risk rating of 1-5 is determined based on tree health, likelihood of risk and the likelihood of harm/damage to people and property.

Currently tree surveys are commissioned annually to include highway or highway side trees identified as requiring non-urgent professional assessment, risk categorisation and recommendation of any remedial works required.

Tree assessments are included as part of the routine 'driven' highway safety inspections. Trees identified as being of potential risk are flagged and passed for further detailed assessment or detailed tree survey through reporting processes.

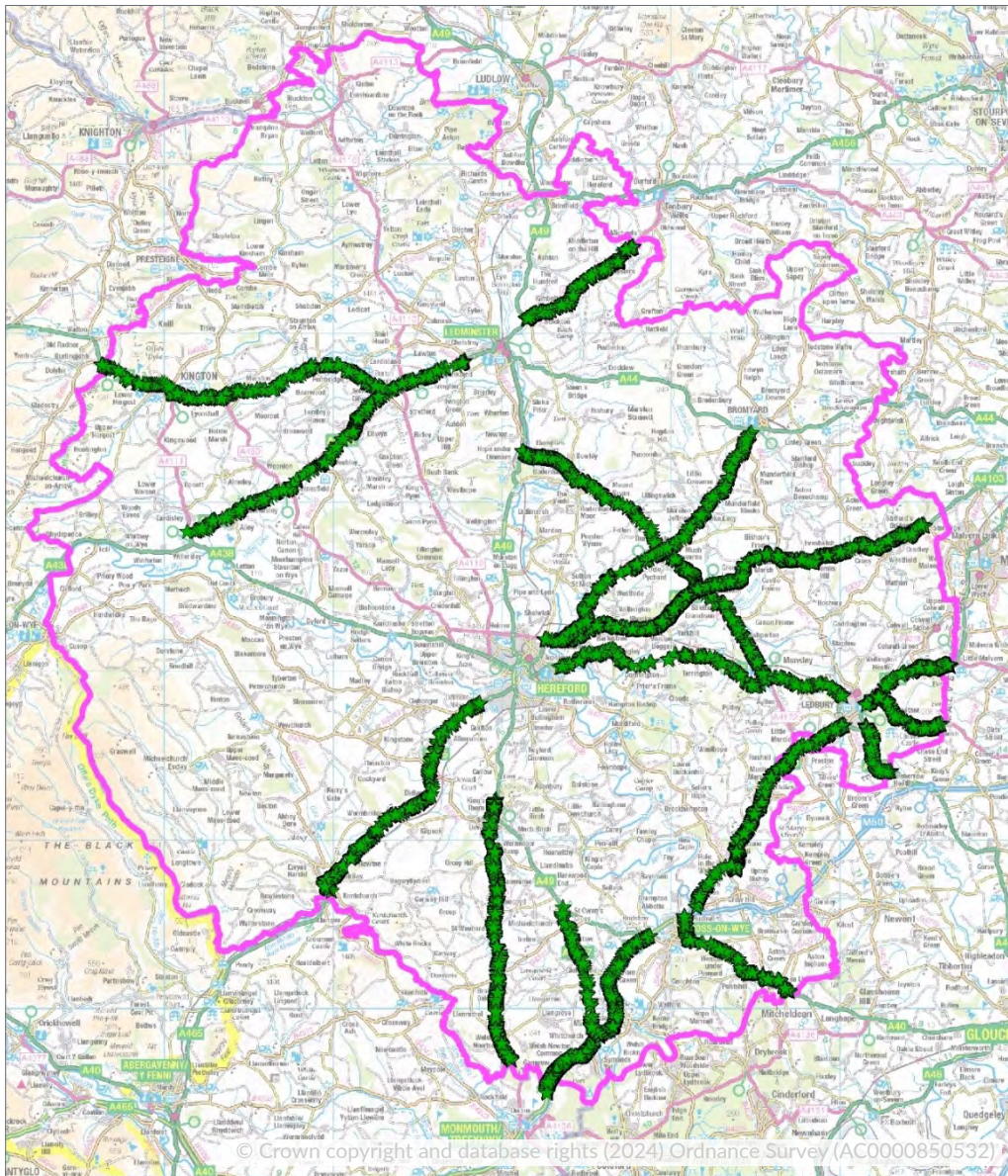
Direct notifications of potential tree safety issues by the public are flagged and passed for further detailed assessment or detailed tree survey through reporting processes.

If a tree considered as 'high risk' is within council ownership remedial works will be programmed for either immediate or urgent remedial work (depending upon actual assessed risk level). If the tree is in private ownership a process of landowner notification, and as necessary a 'section 154' notification and follow-up process will be initiated.

The Council is also responsible for authorising and in some cases directly managing any road closures and traffic management that may be required to safely undertake works to roadside trees. Traffic Management can be costly to the landowner to secure and implement.

During 2021-2023 a detailed tree survey of approx. 230km of 'A' class roads in the county (7% of total road Network) assessed 12,500 trees directly adjacent to the highway and of a size likely to cause significant effects in case of failure of these 2145 (17%) were identified as Common Ash in a range of different stages of ash dieback.





Highway (A Road) Trees Surveyed 2021-2023

Highways (Road Network)	Network (km)	Surveyed (km)	% surveyed	Trees surveyed	Ash in survey	% survey	Ash on whole Network
Highway Surveys within 5 years	3250	230	7.1	12541	2145	17.1	30310
NTM* (2009) -All Roads GIS data and 30m buffer				416545		17.1	71229

*NTM - National Tree Map Bluesky International Ltd

Public Open Space

The management of Council owned or managed Public Open Space (POS) is currently devolved to the Council’s public realm contract partner or local bodies such as Hereford City Council, Town or Parish Councils.

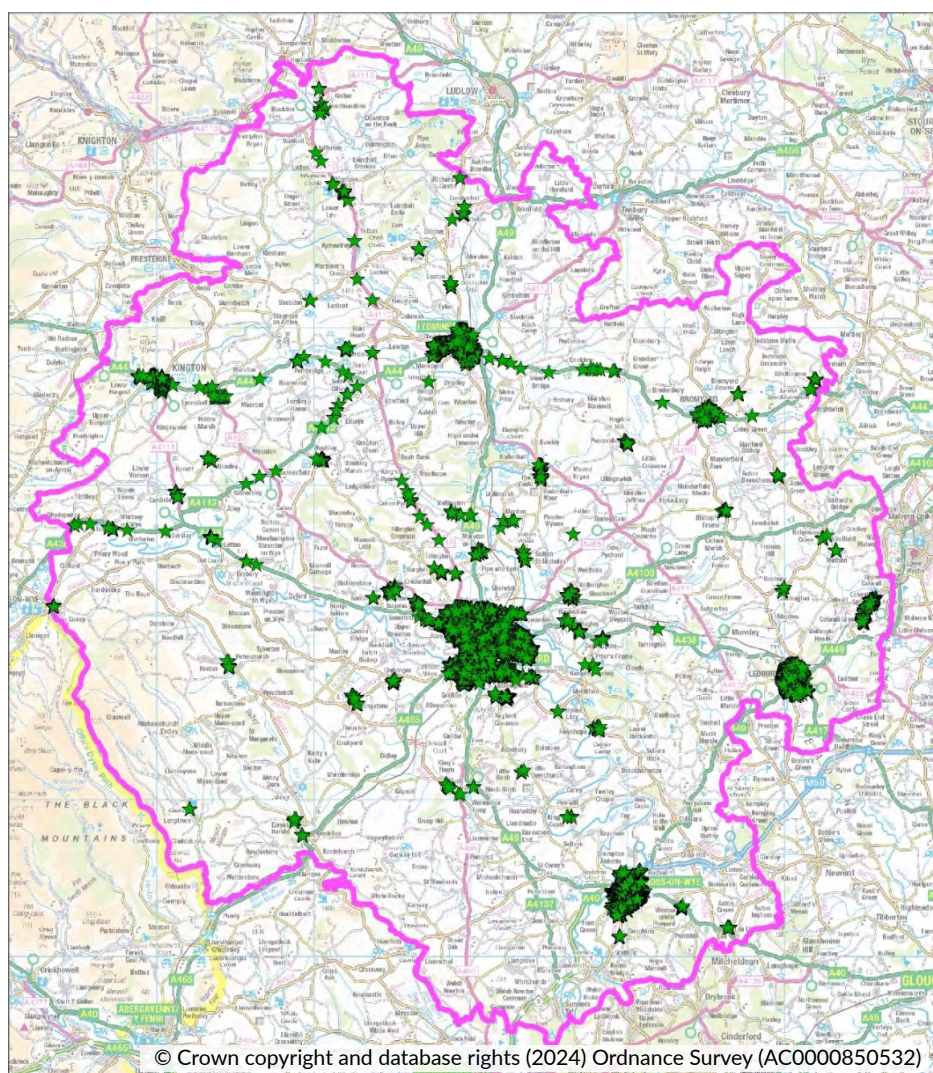
The nationally accepted ‘quick’ visual assessment system to assess and record the extent/effect of ash dieback on a tree as established by The Tree Council on behalf of DEFRA will be utilised.

For a Tree Survey a nationally accepted system of risk assessing trees in the public domain has been established. A risk rating of 1-5 is determined based on tree health, likelihood of risk and the likelihood of harm/damage to people and property.

Currently tree surveys are commissioned annually to include trees on POS identified as requiring non-urgent professional assessment, risk categorisation and recommendation of any remedial works required.

Tree assessments are included as part of the routine POS inspections. Trees identified as being of potential risk are flagged and passed for further detailed assessment or detailed tree survey through reporting processes.

Direct notifications of potential tree safety issues by the public are flagged and passed for further detailed assessment or detailed tree survey through reporting processes.



**Public Open Space (and additional triggered tree surveys)
2019-2020-2022**

Public Open Space and triggered surveys	Trees surveyed	Ash in survey	% Ash survey
Surveys 2019, 2020 and 2022	8176	1077	13.2

Public Rights of Way

The Council's dedicated Public Rights of Way (PROW) team are responsible for ensuring the county's network of over 3360 Km are accessible and all legal obligations of landowners complied with. The majority (>95%) of all trees, including ash, alongside the PROW network will be the legal responsibility of the landowner over which the route runs.

Maintenance and surveys-risk assessments are undertaken to potential risks identified by the PROW team or defects reported by the public that can include tree related concerns. A process for notifying landowners of risks is utilised and trees identified as being a significant risk can be issued a section 154 notice by the council's PROW team in a process similar to that for other highways.

The Council is responsible for managing/authorising any temporary PROW closures and diversions that may be required by itself and private landowners in order to safely undertake works to trees alongside PROW. These can be costly to Council and the landowner to secure and implement.

As the majority of trees are the responsibility of the landowner rather than the Council no regular tree survey process is currently necessary or undertaken. Reactive, tree specific, surveys are commissioned as necessary.

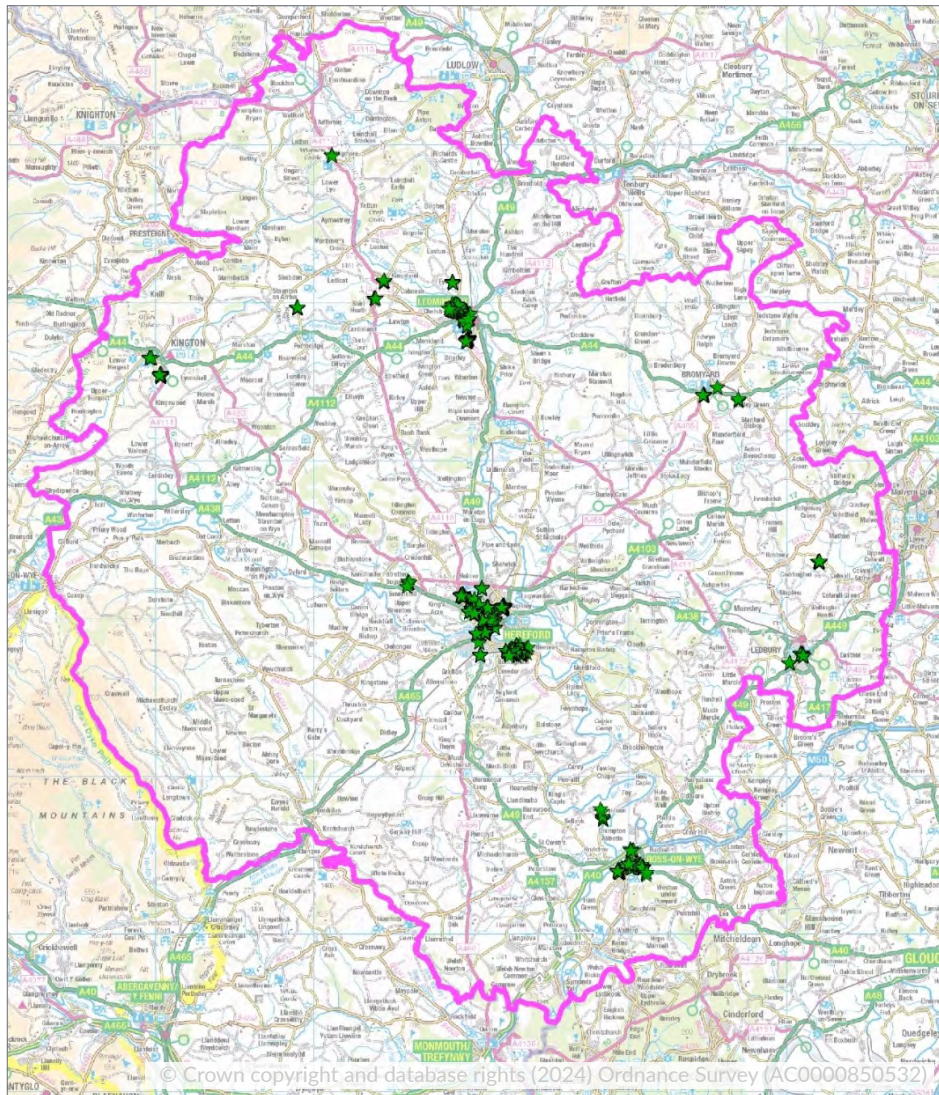


Property Services

The Council's Property Services are responsible for management of council owned/managed buildings and their grounds; and also acts as the Commons Registration Authority for the county with management responsibility for a few specific commons not in alternative ownership.

A professional tree survey of significant trees on the main Council owned land, but not including commons, was undertaken in 2021 to provide a baseline assessment and facilitate appropriate management to be undertaken. Trees are assessed during regular site checks and tree specific, surveys are commissioned and further maintenance works programmed as necessary.

State maintained schools fall within responsibility of the Council's Education Services who have their own grounds maintenance systems and many schools will have a degree of autonomy in respect of management and maintenance of their grounds. No information is currently available on trees, or the effects of ash dieback on trees within educational establishments.



Property Services Tree Survey 2021

Property Services	Trees surveyed	Ash in survey	% Ash survey
2021 survey	2490	129	5.2

Other council services and Ash Trees

Tree Preservation Orders and conservation areas

From available records, some 440 (79%) of current Tree Preservation Orders (TPO) have reference to protected ash trees; and all conservation areas in the county will include some number of ash. As the disease progresses in the county the number of applications for works to Ash trees will potentially significantly increasing the workload on the current, sole, Tree Officer employed by the Council.

Development and Planning

Many Council led or supported developments and planning applications will include trees, including ash. Appropriate considerations, including practical management of retained trees, must be made and the council's adopted Trees & Hedgerow Code of Practice (2024) should be implemented to ensure there is no net loss of trees and urban canopy cover increased wherever practical.

The Council's Tree Officer is responsible for comments on the effects to trees by development and commenting on planning applications. Trees are also potentially part of statutory Biodiversity Net Gain which is a relevant factor for all eligible planning applications.

Environmental Health & Trading Standards

There may be potential for an associated increase in unlicensed disposal of waste and the sale of 'illegal' firewood.

Local Government (Miscellaneous Provisions) Act 1982

This Act provides the local authority with powers to become involved, and if all other measures have failed to undertake work on privately owned trees that demonstrate a risk to private property and then to undertake full cost recovery from the relevant landowner. This a similar process but applying to any land than that covered under section 154 of the Highways Act previously covered in this plan.

Communications

The Council has developed informative webpages related to Ash Die Back to be released as part of the launch of this Ash Dieback Action Plan, with regular updates and the latest national guidance provided.

Wildlife and Other Constraints

For works to all Council owned or managed ash trees, all relevant ecological surveys and assessments will be completed prior to works commencing to ensure compliance with statutory wildlife protection (eg bird nesting checks, bat surveys and obtaining any required protected species licences or permissions).

Where appropriate all licences, permissions and any statutory replanting required under the Forestry Act will be secured and undertaken.

Works undertaken by or on behalf of the council are exempt from any conservation area requirements. As required the necessary permission to undertake works to any trees subject to a Tree Preservation Order will be obtained prior to works taking place.

External Interests and Ash Trees

Many national organisations and authorities with interests in the county such as Highways England, Network Rail, Duchy Estates and the National Trust already have well established processes and protocols related to the management of trees and specifically for Ash Dieback and these are already being implemented.

There is a range of national guidance on Ash Dieback available from reliable/statutory sources such as the Forestry Commission, DEFRA-FERA, Woodland Trust and The Tree Council.

The council's ash dieback webpages will include appropriate information for landowners and residents, and provide useful links to the other available information and guidance.

Recommendations – the way forwards

1. Formation of an internal Ash Dieback Working Group to bring together representatives from all services and teams in the council impacted by Ash Dieback to progress a cohesive and consistent response to the effects of Ash Dieback on the Council and its responsibilities and wider role and remit in the county. Including:

- Implement the standardised assessment and survey process for all Ash trees within the Council's control.
- Review and update the guidance on how the council will manage ash trees and effects of ash dieback on its own land, or trees it has responsibility for as appropriate.
- Monitor effects of ash dieback nationally and locally and ensure any new information and guidance is published and communicated in a timely manner within the Council and externally to residents and landowners.
- Provide a single monitoring and reporting route for all activities related to ash dieback within the Council.
- Investigate the commercial opportunities associated with the timber created as a result of managing Council owned trees due to ash dieback (or any other tree work operations).
- Develop a risk assessment and management process for future pests, pathogens and climate change that could impact the Council's tree stock in the future.

2. Ensure wider effects and impacts of Ash Dieback are fully considered within the proposed Herefordshire Tree, Hedgerow and Woodland Strategy and the Local Nature Recovery Strategy that will be developed by the Council in partnership with all landowners, businesses, organisations and residents of the county.

3. Support the work of Parish/Town Councils, Herefordshire Tree Warden Network, Herefordshire Wildlife Trust, other appropriate 'third sector' groups and landowners in the management of ash dieback in the county and the replacement of trees lost in the county.

4. To recruit and appoint an Assistant Tree Officer to help facilitate the Council's actions in response to Ash Dieback and support the existing Tree Officer in their statutory functions.

Appendices

Notes

The plan is produced with support of the Tree Council's national Ash Dieback Toolkit and with reference to similar plans by other local authorities including, Gloucestershire CC, Somerset CC, West Sussex CC, Norfolk CC and Devon CC.

Data has been obtained from many sources including Forestry Commission and Forest Research, FERA, UK Centre for Ecology & Hydrology, Bluesky International Ltd (National Tree Mapping), Herefordshire Biological Records Centre and Balfour Beatty Living Places.

The principles and processes identified in this plan will be relevant and appropriate to the management of other existing and future tree related pests and pathogens impacting the council's and the county's trees.

Definitions

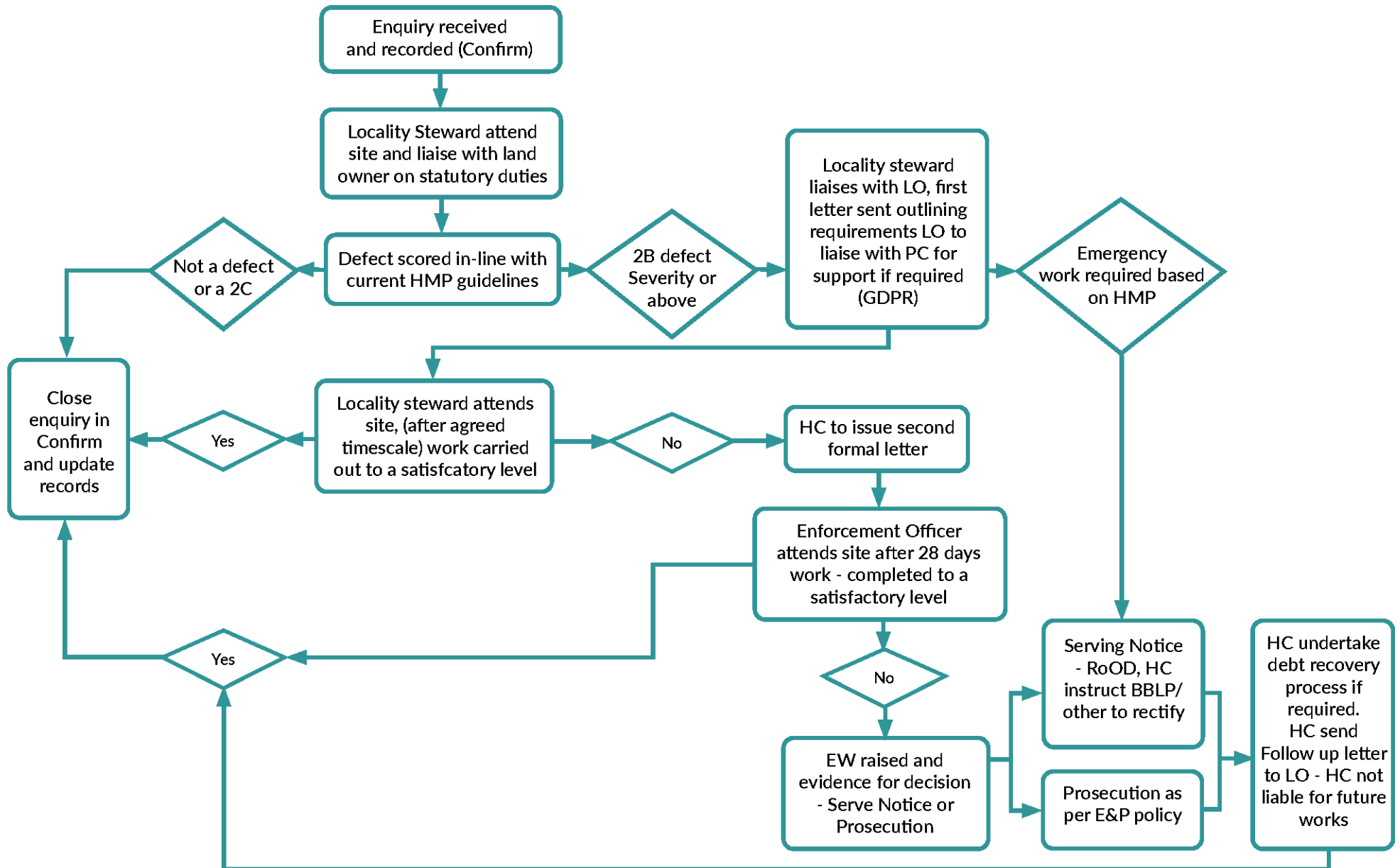
Tree Survey – is a formal survey carried out by a qualified and experienced arboricultural consultant or specialist tree officer.

Tree Assessment – is a brief visual assessment carried out by an appropriately briefed officer, locality steward or highway inspector.

Section 154 notice (Highways Act) – a legal notice served on a private landowner requiring remedial work to a tree (or other feature) that is identified as being of high risk to the safe use of the adjoining highway. Failure of the landowner to comply (usually within 14 days) required the council as highways authority to step in and mitigate the risk. The council can look to a full cost recovery against the landowner for all essential works it carries out due to a breach of s.154 notice.

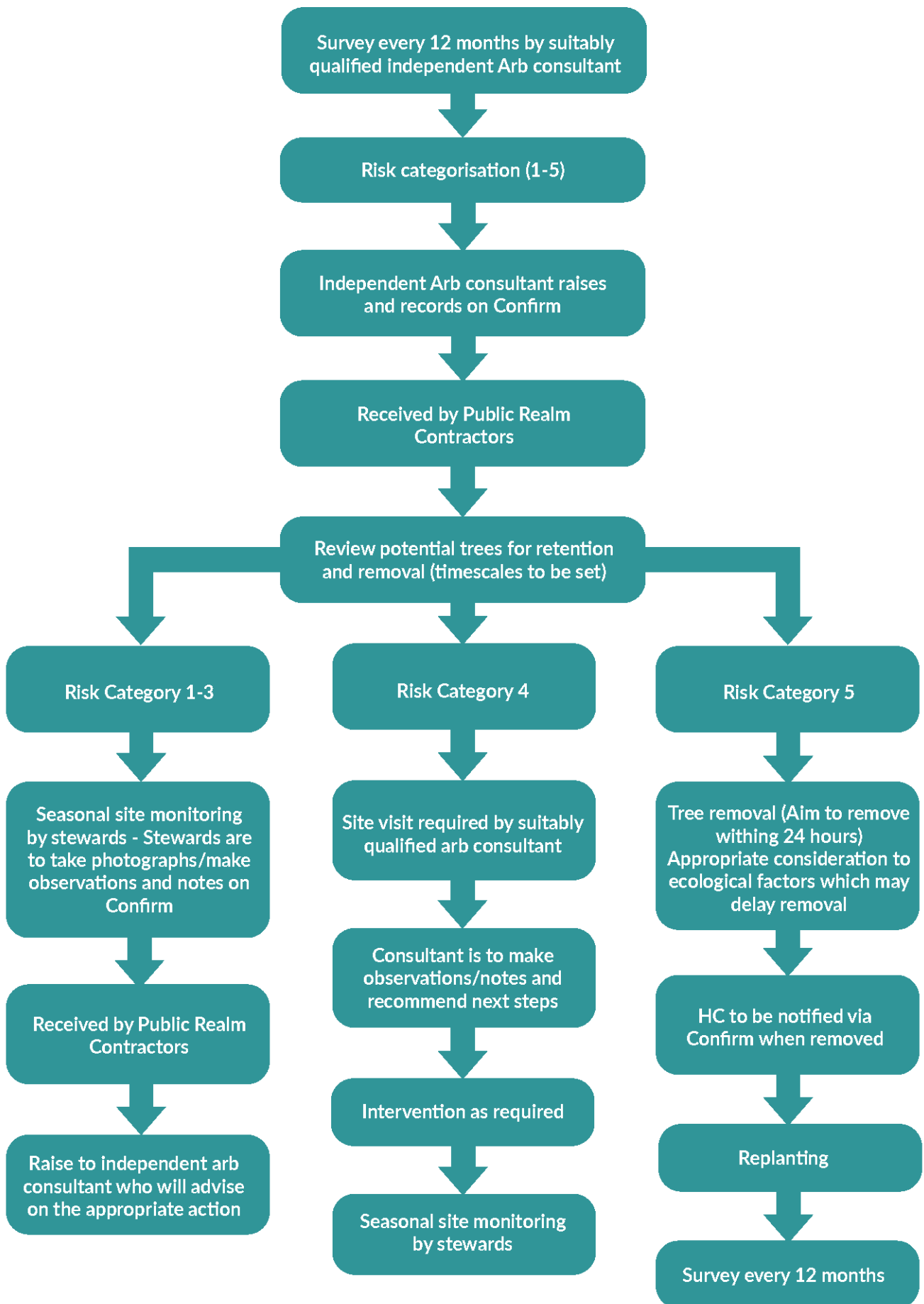
“Ash” or “ash” refers to Common Ash (*Fraxinus excelsior*) as this is the predominant species in the UK and the most at risk from ash dieback.

Highway Enforcement - current processes BBLP/HC

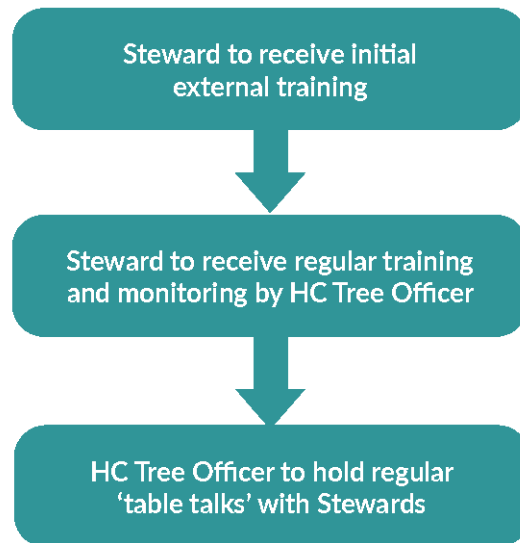


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Proposed Ash Dieback 'A & B Roads' surveying process map



Steward training





Title of report: Work programme 2024/5

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: 18 November 2024

Report by: Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

All Wards

Purpose

To consider the draft work programme for Herefordshire Council's Environment and Sustainability Scrutiny Committee for the municipal year 2024/25.

Recommendation(s)

That:

- a) The committee agree the draft work programme for the Environment and Sustainability Scrutiny Committee contained in the work programme report attached as appendix 1.**

Alternative options

1. The committee could decline to agree a work programme for its future committee meetings. This would likely result in unstructured and purposeless meetings.
2. The committee could also decline to identify areas of potential collaboration or alignment of work with other committees. This could result in duplication or overlap of work.

Key considerations

3. A fundamental part of good scrutiny is planning and agreeing a programme of work for the committee to undertake. A well-considered work programme:
 - a. identifies priorities for the committee's work that align with corporate and partnership priorities, as well as reflecting community concern;
 - b. ensures that each identified topic has clear objectives that focus the committee's work;

- c. creates a timetable for the committee's programme of work so that the committee carry out its work at the optimal time; and
 - d. provides officers and partners with requirements for evidence that will support the committee in providing evidence-based scrutiny
4. To prepare this work programme, the committee chairs have met with officers of the council to identify potential priority areas of work for the committee. These priority areas have been scheduled within the work programme to ensure the committee considers topics when it is most useful to do so. A draft of this work programme has then been circulated to the council's corporate leadership team and other key senior directors, alongside committee chairs, for further comment and refinement.
 5. The most recent Environment and Sustainability Scrutiny Committee work programme is attached as Appendix 1.
 6. Attached as Appendix 2 to this report is the council's most recently published forward plan of key decisions.

Community impact

7. Effective scrutiny enables the committee to reflect community concern. Overview and scrutiny is a key part of the council's governance arrangements and provides accountability and assurance, as well as a vehicle for elected councillors to contribute to policy development and review. Scrutiny committees have the overall aim of driving improvement to services to the local community.
8. As well as scrutinising the council's own services, scrutiny committees have the power to look into the provision of local health services and issues which affect the economic, social or environmental wellbeing of the county.
9. The proposed work programme reflects – as widely as possible – key local priorities within this context.

Environmental impact

10. This report contains no direct environmental impacts. However the work that the committee will undertake resulting from agreeing this work programme may have direct impacts. Reports arising from or supporting this work will outline their potential environmental impact.

Equality duty

11. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. This report contains no direct equality impacts. However, the reports and issues that the committee will consider may have direct impacts. Reports arising from or supporting this work will outline any associated equality impacts for committee consideration.

Resource implications

12. This report constitutes part of the typical function of this committee. Similarly, a programme of work undertaken by committee is an integral part of the council's 'business as usual'. There is no resource implication in setting or agreeing a work programme. However agreed topics in the work programme, in particular any requests for bespoke research or the involvement of outside

experts or community groups, may incur resource costs. These will be contained in any reporting or planning of agreed topics within this work programme.

Legal implications

13. The remit of the scrutiny committee is set out in part 3 section 4 of the constitution and the role of the scrutiny committee is set out in part 2 article 6 of the constitution.
14. The Local Government Act 2000 requires the council to deliver the scrutiny function.

Risk management

15. There are no risks identified in the committee agreeing an effective and timely programme of work. However there is a risk to the council's reputation if committees fail to set a work programme, or set a programme of work that does not address local authority, partnership or community priorities.

Consultees

16. In drafting this work programme, consideration has been given to:
 - a. The previous work of scrutiny committees;
 - b. Priorities suggested by members of the committee; and
 - c. Work with Herefordshire Council officers to develop topics and agree optimum timings to bring items for consideration.
17. This work programme is subject to ongoing review, which may involve additional consultees.

Appendices

Appendix 1 – Scrutiny work programme 2024/25 November 2024
Appendix 2 – Herefordshire Council Forward Plan 30 October 2024

Background papers

None

SCRUTINY WORK PROGRAMME 2024-2025

November 2024

Below is the work programme of Herefordshire Council’s Environment and Sustainability Scrutiny Committee.

Work programmes are subject to change, with revised programmes agreed at the end of formal committee meetings.

Environment and Sustainability Scrutiny Committee

Committee Meeting

18 November 2024 **report deadline NEW 6 November 2024** **pre meeting lines of enquiry planning 7 November 2024**

Topic and Objectives	Evidence required	Attendees*
<p>AMENDED Tree and hedgerow management</p> <ul style="list-style-type: none"> • Scrutinise council tree and hedgerow management policy and its alignment with the work on the local nature recovery strategy and landscape recovery and climate change adaptability. • Understand the findings of the recent Defra consultation on hedgerow management. • Consider the county tree strategy as an enabler for Herefordshire to become a carbon offset trading partner with others. • Examine countywide action on ash dieback and replacement. 	<ul style="list-style-type: none"> • Council policy on tree and hedgerow management • Draft work on the local nature recovery strategy. • Findings of the Defra consultation on hedgerow management. • The Management of Hedgerows (England) Regulations 2024 (legislation.gov.uk) 	<ul style="list-style-type: none"> • Farm Herefordshire • CPRE (formerly Council for the Protection of Rural England) • Policy leads on tree and hedgerow management • Head of Highways and Traffic • Phosphate Mitigation Lead

Work programme <ul style="list-style-type: none"> Review work programme 	<ul style="list-style-type: none"> Draft work programme 	<ul style="list-style-type: none"> Statutory Scrutiny Officer
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Committee Meeting

20 January 2025 **report deadline** **NEW** 8 January 2025 **pre meeting lines of enquiry planning** 9 January 2025

Topic and Objectives	Evidence required	Attendees*
River Lugg water quality <ul style="list-style-type: none"> Investigate work to improve the water quality of the River Lugg and the prospect of getting some of the £35 million earmarked for the River Wye improvement diverted to the River Lugg. Understand the implications of poor water quality on the ability to plan and build new housing. Evaluate the progress on developing new wetland areas on river improvement and their impact on housing development. 	<ul style="list-style-type: none"> Five years of analysis of water quality data (from Nutrient Management Board or Environment Agency) Evidence from Merry Albright (Home Builders Federation) 	<ul style="list-style-type: none"> Herefordshire Construction Industry Lobby Group Natural England Environment Agency Natural Resources Wales Defra River Wye champion
Work programme <ul style="list-style-type: none"> Review work programme 	<ul style="list-style-type: none"> Draft work programme 	<ul style="list-style-type: none"> Statutory Scrutiny Officer

Committee Meeting

24 March 2025 **report deadline** **NEW** 12 March 2025 **pre meeting lines of enquiry planning** 13 March 2025

Topic and Objectives	Evidence required	Attendees*
Energy Efficiency and Retrofitting <ul style="list-style-type: none"> Understand the outcomes of the building retrofit and supply chain development funded by Climate Reserve fund. Evaluate progress on Keep Herefordshire Warm and HUG initiatives. Consider whether new houses and self-build properties are 'zero carbon ready'. The role of fuel replacement to heat homes. 	<ul style="list-style-type: none"> Climate Reserve fund financial reports Stats of surveys undertaken, grants awarded, work completed Future Homes Standard 	<ul style="list-style-type: none"> Gareth Ellis – Sustainability & Climate Change Officer Andrew Cooper – LGA, previously Renewable Energy Assoc., Yorkshire Energy Services Jackie Jones – Building Sense
Waste contract <ul style="list-style-type: none"> Six-month review of the operation of the council's new waste contract 	<ul style="list-style-type: none"> To be confirmed 	<ul style="list-style-type: none"> Ben Boswell - Head of Environment Climate Emergency and Waste Services
Work programme <ul style="list-style-type: none"> Review work programme 	<ul style="list-style-type: none"> Draft work programme 	<ul style="list-style-type: none"> Statutory Scrutiny Officer

Committee Meeting

12 May 2025 report deadline **NEW** 29 April 2025 pre meeting lines of enquiry planning May 2025

Topic and Objectives	Evidence required	Attendees*
NEW Road User Safety <ul style="list-style-type: none"> How do speed limits impact on road user safety and what is council policy on them. Looking at the administration of TROs across the council. Look at best practice on the provision of road architecture. 	<ul style="list-style-type: none"> Relevant evidence from the LTP consultation. Evidence on the effectiveness of 20mph speed limit zones. A map of existing/pending 20 mph speed zones across the county. 	<ul style="list-style-type: none"> Road Safety Officer West Mercia Police Head of Highways and Traffic Western Bypass consultant
Work programme <ul style="list-style-type: none"> Review work programme 	<ul style="list-style-type: none"> Draft work programme 	<ul style="list-style-type: none"> Statutory Scrutiny Officer

Committee Meeting

7 July 2025 report deadline NEW 25 June 2025 pre meeting lines of enquiry planning June/July 2025

Topic and Objectives	Evidence required	Attendees*
<p>AMENDED Provision of bus services across the county</p> <ul style="list-style-type: none"> Consider the council’s response to the government white paper on authorities running their own bus services. Examine the opportunities to develop ‘on-demand’ bus services. Scrutinise council policy on free access to public transport for disadvantaged groups. Scrutinise the outcome of the £1,064,000 grant allocation to Herefordshire Council by the Department for Transport to improve bus services. 	<ul style="list-style-type: none"> Evidence from the local transport plan consultation. Best practice examples from other local authorities. 	<ul style="list-style-type: none"> Head of Transport and Access Services Bus services user groups
<p>Work programme</p> <ul style="list-style-type: none"> Review work programme 	<ul style="list-style-type: none"> Draft work programme 	<ul style="list-style-type: none"> Statutory Scrutiny Officer

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Committee Meeting

8 September 2025 report deadline NEW 27 August 2025 pre meeting lines of enquiry planning August/September 2025

Topic and Objectives	Evidence required	Attendees*
<p>Land management and use</p>		
<p>Work programme</p> <ul style="list-style-type: none"> Review work programme 	<ul style="list-style-type: none"> Draft work programme 	<ul style="list-style-type: none"> Statutory Scrutiny Officer

*The Corporate Director, Economy and Environment and Cabinet Member, Environment, both have a standing invitation to the meeting.

HEREFORDSHIRE COUNCIL FORWARD PLAN



This document, known as the Forward Plan, sets out the decisions which are expected to be taken during the period covered by the Plan by either Cabinet as a whole, or by individual Cabinet Members. The Plan is updated regularly and is available on the Herefordshire Council website (www.herefordshire.gov.uk) and from Council Offices. This edition supersedes all previous editions.

The council must give at least 28 days' notice of key decisions to be taken. A key decision is one which results in the council incurring expenditure or making savings of £500,000 or more, and/or is likely to be significant in terms of the strategic nature of the decision or its impact, for better or worse, on the amenity of the community or quality of service provided by the council to a significant number of people living or working in the locality affected.

Current cabinet members are listed below. For more information and links papers for Cabinet meetings please visit <https://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251>

Councillor Jonathan Lester	Corporate Strategy and Budget (Leader of the Council)
Councillor Elissa Swinglehurst	Environment (Deputy Leader of the Council)
Councillor Carole Gandy	Adults, Health and Wellbeing
Councillor Ivan Powell	Children and Young People
Councillor Harry Bramer	Community Services and Assets
Councillor Graham Biggs	Economy and Growth
Councillor Pete Stoddart	Finance and Corporate Services
Councillor Barry Durkin	Roads and Regulatory Services
Councillor Philip Price	Transport and Infrastructure

Documents submitted in relation to each decision will be a formal report, which may include one or more appendices. Reports will usually be made available on the council website at least 5 clear working days before the date of the decision. Occasionally it will be necessary to exempt part or all of a decision report from publication due to the nature of the decision, for example if it relates to the commercial or business affairs of the council. Other documents may be submitted in advance of the decision being taken and will also be published on the website unless exempt.

To request a copy of a decision report or related documents please contact governancesupportteam@herefordshire.gov.uk or telephone 01432 261699.

The following information is provided for each entry in the Forward Plan:

Heading	Contains
Report title and purpose	A summary of the proposal
Decision Maker and Due date	Who will take the decision and the date the decision is expected to be made
Lead cabinet member and officer contact(s)	The cabinet member with responsibility for this decision and the officers producing the decision report.
Directorate	The directorate of the council responsible for the decision.
Date uploaded onto plan	The date the decision was first uploaded and the notice period started for key decisions.
Decision type, exemptions and urgency	Whether the decision is a Key or Non-Key decision, if the report is expected to be fully open, partly exempt or fully exempt and if urgency procedures are being followed.

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Decisions to be taken by Cabinet at a formal meeting are listed first, ordered by date, and include both Key and Non-Key decisions. Decisions to be taken by individual Cabinet Members are then listed, grouped by portfolio area and sorted by date. These include Key decisions only.

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
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Cabinet decisions by date (Key and Non-key listed)

<p>Addition of Capital Budget to deliver IT Capital Programme</p>	<p>Cabinet 28 November 2024</p>	<p>Cabinet member finance and corporate services</p> <p>Amy Swift, Portfolio Manager <small>Amy.Swift2@herefordshire.gov.uk</small></p>		<p>25 October 2024</p>	<p>KEY</p>
<p>Q2 Performance Report 2024/25 To review performance of Quarter 2 (Q2) 2024/25 and to report the performance position across all Directorates for this period.</p>	<p>Cabinet 28 November 2024</p>	<p>Cabinet member finance and corporate services</p> <p>Jessica Karia, Head of Corporate Performance and Intelligence <small>jessica.karia@herefordshire.gov.uk</small> Tel: 01432 260976</p>	<p>Corporate Support Centre</p>	<p>NEW ITEM</p>	<p>Non Key Open</p>

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>Student Accommodation Update and Recommendations To update Cabinet Member on the progress and budget for the project</p>	<p>Cabinet 28 November 2024</p>	<p>Cabinet member community services and assets</p> <p>Joni Hughes, Head of Chief Executive's Office, Susan White, Programme Manager</p> <p><small>Joni.Hughes@herefordshire.gov.uk, Susan.White2@herefordshire.gov.uk Tel: 01432 260598, Tel: 01432 260070</small></p>	<p>Economy and Environment</p>	<p>25 October 2024</p>	<p>KEY Open</p>
<p>The New Public Realm Services Defines the new public realm services for procurement</p>	<p>Cabinet 28 November 2024</p>	<p>Cabinet member community services and assets</p> <p>Alex Deans, Interim Programme Director – Major Contracts</p> <p><small>Alex.Deans@herefordshire.gov.uk</small></p>	<p>Economy and Environment</p>	<p>17 October 2024</p>	<p>KEY Open</p>

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>Corporate Parenting Strategy To approve the corporate parenting strategy</p>	<p>Cabinet 19 December 2024</p>	<p>Cabinet member children and young people</p> <p>Caroline Marshall, Project manager, Julie Mepham caroline.marshall3@herefordshire.gov.uk, Tel: 01432 260249,</p>	<p>Children and Young People</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>Ofsted Monitoring Visit Feedback To share the feedback letter from Ofsted following their fifth Monitoring Visit conducted 8th to 23rd October, with site days 22nd/23rd October 2024</p>	<p>Cabinet 19 December 2024</p>	<p>Cabinet member children and young people</p> <p>Maxine David, Executive Support Officer, Tina Russell, Corporate Director Childrens and Young People maxine.david@herefordshire.gov.uk, tina.russell@herefordshire.gov.uk Tel: 01432 260044, Tel: 01432 260 267</p>	<p>Children and Young People</p>	<p>25 October 2024</p>	<p>Non Key Open</p>

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Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>Herefordshire and Worcestershire Group Training Association Ltd (HWGTA) Investment Partnership Model</p> <p>To develop a business case outlining options for a preferred investment model and;</p> <p>to approve the preferred investment model option for the HWGTA Ltd and Herefordshire Council partnership to enable the development of a vocational centre of excellence on Skylon Park.</p>	<p>Cabinet 23 January 2025</p>	<p>Cabinet member community services and assets</p> <p>Joni Hughes, Head of Chief Executive's Office, Gabriela Singh, Project Manager</p> <p>Joni.Hughes@herefordshire.gov.uk, Gabriella.Singh@herefordshire.gov.uk Tel: 01432 260598, Tel: 01432 260375</p>	<p>Corporate Support Centre</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>New care facility</p> <p>To consider and agree the business case to invest in and develop the council's own care facility in Herefordshire to meet future demand</p>	<p>Cabinet 23 January 2025</p>	<p>Cabinet member adults, health and wellbeing</p> <p>Hilary Hall, Corporate Director Community Wellbeing, Hayley Doyle, Service Director - All Age Commissioning</p> <p>Hilary.Hall@herefordshire.gov.uk, Hayley.Doyle@herefordshire.gov.uk Tel: 01432 260832</p>	<p>Community Wellbeing</p>	<p>17 October 2024</p>	<p>KEY</p>
<p>Cabinet Member Decisions (Key decisions only)</p>					
<p>Portfolio: adults, health and wellbeing</p>					

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>Community Spaces Capital Grant Scheme To approve the approach for the Community Spaces Capital Grant Scheme</p>	<p>Cabinet member adults, health and wellbeing 15 November 2024</p>	<p>Cabinet member adults, health and wellbeing Emily Lowe, Talk Community Development Lead <small>Emily.Lowe2@herefordshire.gov.uk Tel: 01432 383423</small></p>	<p>Community Wellbeing</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>Portfolio: children and young people</p>					
<p>Accommodation based support for children in care and care leavers aged 16-21 To seek approval to commission, by means of a competitive tender process in line with the council's contract procedure rules, an accommodation based housing related support service for 16-21 year old children in care and care leavers.</p>	<p>Cabinet member children and young people 11 November 2024</p>	<p>Cabinet member children and young people Wendy Dyer, Commissioning Officer Communities <small>Wendy.Dyer@herefordshire.gov.uk Tel: 01432 261673</small></p>	<p>Community Wellbeing</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>Portfolio: community services and assets</p>					

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>High Needs Provision Capital Grant spend To approve the spend of the High Needs Provision Capital Grant to extend our inclusion offer in mainstream schools, increase places for children with Special Educational Needs and Disabilities (SEND) and to improve Alternative Provision (AP) education arrangements</p>	<p>Cabinet member community services and assets 8 November 2024</p>	<p>Cabinet member community services and assets Hilary Jones, Virtual headteacher, Caroline Marshall, Project manager, Quentin Mee, Head of Educational Development hjones@herefordshire.gov.uk, caroline.marshall3@herefordshire.gov.uk, Quentin.Mee@herefordshire.gov.uk Tel: 01432 260579, Tel: 01432 260249,</p>	<p>Children and Young People</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>Portfolio: economy and growth</p>					

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>Acquisition Fund for Housing Provision (previously Acquisition Fund For Housing Development)</p> <p>To seek delegated approval to acquire and develop sites to meet our critical housing need across Herefordshire, enabling a quick response as opportunities arise, subject to the completion of a due diligence business case. In July 2024 full council approved an outline business case (appendix 1) to add £5m to the capital programme to enable the council to develop the critical housing provision we need in the county. The council faces an increasing demand for social housing provision, there is a lack of local provision to meet this need, as such people are being placed in temporary accommodation which isn't fit for purpose and has significant additional costs.</p>	<p>Cabinet member economy and growth 30 October 2024</p>	<p>Cabinet member economy and growth</p> <p>Roger Allonby, Service Director Economy and Growth, Hayley Crane, Head of Service Housing, Stephen Holland, Interim Head of Housing Development</p> <p><small>Roger.Allonby@herefordshire.gov.uk, Hayley.Crane@herefordshire.gov.uk, stephen.holland@herefordshire.gov.uk Tel: 01432 260330, Tel: 01432 261919,</small></p>	<p>Economy and Environment</p>	<p>25 October 2024</p>	<p>KEY Open</p>
<p>Portfolio: environment</p>					
<p>Portfolio: finance and corporate services</p>					

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>Household Support Fund 6 To accept the Household Support Fund allocation from the Department of Work and Pensions. To also approve the local eligibility approach for allocation of the funding for the Household Support Fund.</p>	<p>Cabinet member finance and corporate services 14 November 2024</p>	<p>Cabinet member finance and corporate services Emily Lowe, Talk Community Development Lead, William Merriman, Senior Project Manager, Nikki Stroud, Talk Community Children and Families Lead <small>Emily.Lowe2@herefordshire.gov.uk, William.Merriman2@herefordshire.gov.uk, nikki.stroud@herefordshire.gov.uk Tel: 01432 383423, ,</small></p>	<p>Corporate Support Centre</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>Portfolio: roads and regulatory services</p>					
<p>2025/26 Capital Investment in Existing Highway Infrastructure To authorise the spend/investment in the public realm assets and infrastructure in 2025/26 following Council's resolution at the Council meeting 10 February 2023, to approve the proposed Capital Programme for 2023/24 through to 2026/27.</p>	<p>Cabinet member roads and regulatory services 14 November 2024</p>	<p>Cabinet member roads and regulatory services Ed Bradford, Head of Highways and Traffic <small>Edward.Bradford@herefordshire.gov.uk Tel: 01432 260786</small></p>	<p>Economy and Environment</p>	<p>17 October 2024</p>	<p>KEY Open</p>

Report title and purpose	Decision Maker and Due date	Lead cabinet member and officer contact(s)	Directorate	Date uploaded onto plan	Decision Type, exemptions and urgency
<p>24/25 Winter Service To seek approval for the arrangements being made for the provision of winter service during the period of 2023 through to 2024 season, as set out in the Winter Service Plan.</p> <p>The Winter Service Plan continues to build on existing best practice and the findings of reviews that have taken place both locally and nationally. Herefordshire Council will continue to meet its duties towards the maintenance of the highway network in full and by working in partnership with Herefordshire's communities, wherever practicable, enhance the county's resilience to the impact of prolonged or severe winter weather.</p>	<p>Cabinet member roads and regulatory services 5 December 2024</p>	<p>Cabinet member roads and regulatory services</p> <p>Bruce Evans, Engineering Manager bje@herefordshire.gov.uk Tel: 07792880548</p>	<p>Economy and Environment</p>	<p>17 October 2024</p>	<p>KEY Open</p>
<p>Portfolio: transport and infrastructure</p>					

